GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Higher Education – Introduction of Ä.P.Private Universitites in the State of Andhra Pradesh – Orders – Issued.

=-=-=-==-=-=-=-=-=-=-=-=-=-=-=-==-=-=-=-=-==-=-=-=-=-=-=-=-=-=-==-=-=-=-=-=-=-=-=-=-======

HIGHER EDUCATION (UE) DEPARTMENT

G.O.MS.No. 30 Dated :01-09-2015.
Read:

G.O.Rt.No. 420, Higher Education (UE) Department, dated 18-10-2014

O R D E R:

As the residuary State of Andhra Pradesh has been left bereft of several reputed institutions and there is an imminent need for infusing investment in the realm of higher education, the Government has now proposed **the "A.P. Private Universities (Establishment and Regulation) Bill, 2015"**. The State Government has already declared its intention to develop Andhra Pradesh as "A Knowledge Hub" which would provide high quality, research oriented and industry relevant education. Considering the massive targets that are involved and the budgetary constraints, Private Universities will play a supportive role in the State's endeavour to establish educational institutions of international standards so as to attract students from the State as well as other States and abroad and to enable to achieve national objectives of better access, equity and excellence in higher education.

2. There are at present over 190 university-level institutions in the country set up and managed as self-financed institutions. These institutions have succeeded in imparting undergraduate education on a mass scale. However, barring a few exceptions, the contribution of these universities to research is not encouraging. Changing their mindset from just teaching to research and learning marks a challenge. This challenge calls for an altogether novel approach in setting up of a new private university. Accordingly, the proposed private universities should be "Greenfield Universities" with commitment to excellence in Education and Research.

3. In the reference read above, orders were issued constituting a High Power Committee with Sri Asutosh Mishra, IAS (Retd.), Prof. P. Rama Rao, former Vice-Chancellor, University of Hyderabad, Prof. M.S. Prasada Rao (Retd.), Andhra University, Prof. V.S. Rao, Director, BITS, Pilani and Chairman, APSCHE as Member-Convener for suitable suggestions. The said Committee after detailed deliberations and discussions, has brought out the draft **"A.P. Private Universities (Establishment and Regulation) Bill, 2015".**

4. The draft **"A.P. Private Universities (Establishment and Regulation) Bill, 2015"** has been prepared in the form of a compendious Act that contains the objects of the University, Procedure for establishing the University, Power and Functions, Officers and authority of the University, Statutes, Ordinances and Regulations, Funds of the University and Procedure for winding up of University, etc.

5. The salient features of the proposed Bill are as follows:

i) Any sponsoring body can be a Society registered under Societies Registration Act, 1860 OR A.P. Societies Registration Act, 2001 OR Indian Trusts Act, 1882 OR a Company registered under Companies Act (Section 6 & 7).

ii) The Screening Committee constituted by the A.P. State Council of Higher Education will consider the proposal based on the financial soundness and experience of the sponsoring body as well as the potentiality of the courses relevant to the various development sectors and society in general (Section 8).

iii) Government would authorize the A.P. State Council of Higher Education to issue the Letter of Intent (Section10).
iv) If the Government is satisfied that the sponsoring body has complied with the conditions of 'Letter of intent', it will bring appropriate Legislation for inclusion of the name of the University in Schedule-I.
v) The Government shall have power to direct any upwards revision of Endowment Fund.
vi) The Endowment Fund shall be invested in such instruments as the Government may prescribe and kept invested until the dissolution of the university.
vii) The particulars of Endowment Fund, land requirements, space requirements, books and journals, equipment and infrastructure, academic departments and faculty, I.T. infrastructure are mentioned in Schedule-II.
viii) The admission fee structure will be as prescribed.
ix) The dissolution of the sponsoring body and the university will be in such a manner as prescribed (Section 43).

6. Government have examined the matter and decided that there is a necessity of encouraging private investments by top national and international higher education institutions in Andhra Pradesh State, to promote human resource development, research, innovation and industrial development. Accordingly Government hereby direct the Secretary, A.P. State Council of Higher Education to put the Andhra Pradesh Private Universities (Establishment and Regulation) Bill 2015 on A.P.State Council of Higher Education (APSCHE) web site for discussion in public domain for next one month (from 1-30 September 2015). The said Bill is appended to this order.

7. The Secretary, APSCHE, AP, Hyderabad shall take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SUMITA DAWRA
SECRETARY TO GOVERNMENT

To
The Secretary, A. P. State Council of Higher Education,
Andhra Pradesh, Hyderabad.
Copy to:
The P.S. to Principal Secretary to Chief Minister
The P.S. to Minister for Human Resource Development
The P.S. to Chief Secretary to Government
The P.S. to Secretary to Higher Education Department
The P.S. to Secretary Law Department
The G.A.(Cabinet) Deptt.
SF/SC.

//FORWARDED BY ORDER//

SECTION OFFICER

A BILL TO PROVIDE FOR ESTABLISHMENT AND REGULATION OF PRIVATE UNIVERSITIES IN THE STATE OF ANDHRA PRADESH WITH OBJECTS TO PROVIDE HIGH QUALITY, RESEARCH ORIENTED AND INDUSTRY RELEVANT HIGHER EDUCATION AND TO IMPROVE ACCESS AND EQUITY IN HIGHER EDUCATION IN ORDER TO ENHANCE THE GROSS ENROLMENT RATIO (GER) AND FOR THE MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Sixty-sixth year of the Republic of India, as follows:-

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (1) This Act may be called the Andhra Pradesh Private Universities (Establishment and Regulation) Act, 2015.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

Definitions.

2. In this Act, unless the context otherwise requires:-

(a) "AICTE" means the All India Council for Technical Education established under section 3 of the All India Council for Technical Education Act, 1987; *Central Act No.52 of 1987.*

(b) "AIU" means the Association of Indian Universities Registered under the Societies Registration Act, 1860; *Central Act No.21 of 1860.*

(c) "BCI" means the Bar Council of India;

(d) "Central Government" means the Government of India;

(e) "Constituent College or Institution" means and includes a college or institution of the Sponsoring body;

(f) "Council" means the Andhra Pradesh State Council of Higher Education established under the provisions of the Andhra Pradesh State Council of Higher Education Act, 1988; *Act No.16 of 1988.*

(g) "CSIR" means the Council of Scientific and Industrial Research, New Delhi, a society registered under the Societies Registration Act 1860;

(h) "DBT" means the Department of Biotechnology of the Central Government;

(i) "DST" means the Department of Science and Technology of the Central Government;

(j) "Eminent Persons Panel" means a panel of nine persons of impeccable integrity having outstanding knowledge and expertise in academics,

scientific research, public administration, finance, law or management etc. notified by the Government from time to time.

(k) "Fee" means collection made by the University from the students for different purposes under different heads and which is non-refundable;

(l) "Government" means the Government of Andhra Pradesh;

(m) "Green Field" means starting of a university fresh for the first time from scratch without any consideration to any existing educational institution(s) or anything related to such institution(s);

(n) "Higher Education" means study of a curriculum or course for the pursuit of knowledge beyond 10+2 level;

Central Act No.21 of 1860.

(o) "ICAR" means the Indian Council of Agricultural Research, registered under the Societies Registration Act, 1860;

(p) "MCI" means the Medical Council of India constituted under the Medical Council Act, 1956;

Central Act No.102

(q) "NAAC" means the National Assessment and Accreditation Council, an autonomous institution of the UGC;

Central Act No.73

(r) "NCTE" means the National Council for Teacher Education established under the National Council for Teacher Education Act, 1993;

(s) "Notification" means a notification published in the Andhra Pradesh Gazette and the word 'notified' shall be construed accordingly;

Central Act No.8 of 1948.

(t) "PCI" means Pharmacy Council of India constituted under section 4 of the Pharmacy Act, 1948;

(u) "Prescribed" means prescribed by rules made under this Act;

(v) "Private University" means a University established under section 3 of this Act and hereafter also referred to as University;

(w) "Regulatory Authority" means an Authority established under section 32;

(x) "Regulatory Body" means and includes a body such as UGC, AICTE, NCTE, MCI, PCI, NAAC, ICAR, DBT, DST, CSIR, BCI established by the Central Government or Government for maintenance of standard of higher education;

(y) "Regulations" means regulations made by any authority of the University under section 31;

(z) "Rules" means rules made under section 46;

(za) "Schedule" means the Schedules appended to this Act;

(zb) "Screening Committee" means the Committee constituted under Section 8;

(zc) "Sponsoring body" in relation to a University established under this Act means:-

Central Act No.21 of 1860,

Act No.35 of 2001.

(i) a society "not for profit" registered under the Societies Registration Act, 1860 or the Andhra Pradesh Societies Registration Act, 2001; or

(ii) a public trust "not for profit" registered under the Indian Trusts Act, 1882; or

(iii) any other society or trust "not for profit" registered as above and formed by consortia of academic institution(s), industry and/or educational societies;

Central Act No.13 of 2013.

(iv) Any company registered under section 8 of the Companies Act, 2013.

Act No.4 of 1991.

(zd) "State University" means a university established under the Andhra Pradesh Universities Act, 1991;

(ze) "Statutes" and "Ordinances" mean the Statutes and the Ordinances of the University made under this Act;

(zf) "Student" means a student of the University and includes any person enrolled in the University for pursuing any course of study for a degree, diploma or other academic distinction duly instituted by the University, including a research degree;

(zg) "Teacher" means a Professor, Associate Professor, Assistant Professor, or any other person required to impart education or to guide research or render guidance in any other form to the students for pursuing a course of study of the University;

Central Act No.3 of 1956.

(zh) "UGC" means the University Grants Commission established under section 4 of the University Grants Commission Act, 1956.

CHAPTER II

ESTABLISHMENT OF UNIVERSITY

Establishment of University.

3. (1) The Government may permit the establishment of a University by inclusion of the name and location of the University, the name and address of the Sponsoring body and details of its registration in Schedule I.

(2) The location of the University shall be within the State of Andhra Pradesh and shall be notified by the Government.

(3) The University shall be a Green Field one and unitary in nature and shall not have power or provision to affiliate and recognize any college or institution to it.

(4) The University shall have one campus to start with:

Provided that the Government may permit opening of campus centres anywhere within the State of Andhra Pradesh, after satisfactory running for a period of five (5) years and subject to fulfillment of such infrastructural and other requirements as may be specified by the Government.

(5) The University may be permitted by the Government to conduct distance education programme anywhere within the State of Andhra Pradesh after satisfactory running for a period of five years and after obtaining necessary approvals of the UGC.

(6) The Governing Body, the Board of Management, the Academic Council and the Chancellor, the Vice Chancellor, the Registrar, the Chief Finance and Accounts Officer and such other officers or authorities, so long as they continue to hold such office or membership of the respective University specified in Schedule 1, hereby constitute a body corporate by the name of the said University.

(7) Each such University shall be a body corporate by the name included in Schedule 1 and shall have perpetual succession and common seal with power, subject to the provisions of this Act, to acquire and hold property, to contract and shall, by the said name, sue or be sued.

(8) The Universities shall not claim as a matter of right to receive any grant-in-aid or other financial assistance from Central Government or the Government.

Objects of the University.

4. The objects of the University shall be as follows:-

(a) to create, organize, preserve and disseminate knowledge in the fields of science and technology, humanities, social sciences, education, management, commerce, law, pharmacy, healthcare and any other field of higher education including professional education for the advancement of mankind in particular and to create higher al assistance from the Central Government or the Government levels of intellectual abilities;

(b) to provide for instruction, teaching, learning and training in the University in the field of higher education and make provisions for research, advancement and dissemination of known and new knowledge;

(c) to establish, maintain and manage institutions and centers of excellence, to create, organize, preserve and disseminate knowledge in the fields of higher education;

(d) to create centers of excellence for research and development and for sharing knowledge and its application;

(e) to develop infrastructure and state-of-art facilities for research, higher education, instruction, teaching, learning, training, extension and outreach;

(f) to develop educational programmes for diplomas, degrees and post-graduate courses, doctorate degrees and post-doctoral programmes and to maintain high standards of education and to collaborate with reputed national and global institutions to offer programmes and to create capabilities for upgrading programmes to global standards keeping in view the guidelines/ regulations of the UGC;

(g) to confer degrees, diplomas and other academic distinctions on the basis of examination or any other method of evaluation keeping in view the guidelines of the University Grants Commission;

(h) to ensure that the standards of the degrees, diplomas and other academic distinctions are higher than those laid down by the Regulatory Bodies;

(i) to establish close linkage with the industry, business, educational institutions and other sections of the society to make teaching, research, training, documentation, publication relevant to the needs of the University and Society, at national and international level;

(j) to provide consultancy to the industry and public and private organizations;

(k) to provide avenues for innovations, set up incubation centers and to develop entrepreneurship skills;

(l) to provide for arrangement for national and global participation in the field of higher education including foreign Institutions/ Universities keeping in view the guidelines of the Regulatory Bodies;

(m) to adopt new digital technologies for developing online electronic content;

(n) to pursue any other objectives as may be approved by the Government:

Provided that notwithstanding anything contained in this Act and save as provided in any Central Act, the University shall be eligible to undertake the functions of disseminating of knowledge only in the fields for which the Government has issued Letter of Intent or in the fields subsequently approved by the Government.

Powers and functions of the University.

5. The University shall exercise the following powers and perform the following functions, namely:-

(i) to administer and manage the University, establish, administer and manage its constituent colleges, schools, institutes and centers for research, education, training, extension and outreach;

(ii) to provide for research, higher education including professional education, teaching, learning, training, extension and outreach in the fields of science and technology, humanities, social sciences, education, management, commerce, law, pharmacy, healthcare and any other fields;

(iii) to prescribe courses, curricula and methodologies and provide for flexibility in the delivery of education;

(iv) to conduct the programmes and courses of study as are in the opinion of the University, necessary for the furtherance of its objects;

(v) to conduct innovative experiments in educational technologies, teaching and learning methods to constantly improve the delivery of education and to achieve international standards of education;

(vi) to offer joint programmes in collaboration with reputed national and international institutions recognized by Regulatory Bodies;

(vii) to hold examinations and confer degrees, diplomas and other academic distinctions or titles on persons subject to such condition as the University may determine and to withdraw or cancel any such degrees, diplomas and other academic distinctions or titles in the manner prescribed by the Regulations;

(viii) to confer honorary degrees or other distinctions in the manner prescribed by the Statutes;

(ix) to establish a new constituent college, institution or center for furtherance of its objects;

(x) to co-operate with other Universities, and acquire membership of bodies, authorities, or associations, which may have been formed for the advancement of learning, science or research, or for the dissemination of knowledge or for the physical and moral welfare of students, in such manner and for such purpose as the University may determine by Statutes;

(xi) to maintain linkages and collaborate with educational or other institutions in any part of the world having objects wholly or partially similar to those of the University, through exchange of students, researchers, faculty and staff and generally in such manner as may be conducive to their common objects subject to the relevant regulations of UGC ;

(xii) to sponsor and undertake research and educational programmes in the fields of science and technology, humanities, social sciences,

education, management, commerce, law, pharmacy, healthcare and any other allied areas;

(xiii) to undertake research and to obtain registration in respect of such research in the nature of patents, design rights and such or similar rights with the competent authorities;

(xiv) to render services of research, training, consultancy and such other services as required for the purposes of the University;

(xv) to develop and maintain relationships with faculty, researchers, administrators and domain experts in science and technology, humanities, social sciences, education, management, law, commerce, pharmacy, healthcare and allied area for achieving the objects of the University;

(xvi) to provide for publication and reproduction of research, educational material and other works and to organize exhibitions conferences, workshops and seminars;

(xvii) to establish, maintain and manage halls, hostels for students and quarters for the residence of faculty and staff;

(xviii) to construct, manage and maintain centers, complexes, auditoria, buildings, stadia for the advancement of sports, cultural, co-curricular and extra-curricular activities;

(xix) to institute and award fellowships, scholarships, prizes, medals and other awards;

(xx) to regulate the expenditure and to manage the finances and to maintain the accounts of the University;

(xxi) to fix, demand and receive or recover fees and such other charges as may be prescribed by the Statutes;

(xxii) to receive funds, movable and immovable properties, equipments, software and other resources from business, industry, other sections of society, national and international;

(xxiii) to purchase or to take on lease or accept as gifts, bequests, legacies or otherwise any land or building or works which may be necessary or convenient for the purpose of the University and on such terms and conditions as it may think fit and proper and to construct or alter and maintain any such building or works;

(xxiv) to sell, exchange, lease or otherwise dispose of all or any portion of the properties of the University, movable or immovable, with the prior permission of the Government, on such terms as it may think fit and consistent with the interest, activities and objects of the University;

(xxv) to draw and accept, to make and endorse, to discount and negotiate promissory notes, bills of exchange, cheques and other negotiable instruments;

(xxvi) to raise and borrow money on bond, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the University or without any securities with the prior permission of the Government and upon such terms and conditions as it may think fit and to payout of the funds of the University, all expenses incidental to the raising of money, and to repay and redeem any money borrowed;

(xxvii) to invest the funds of the University in or upon such securities and transpose any investment from time to time with the prior permission of the Government in such manner as it may deem fit in the interest of the University;

(xxviii) to execute conveyances regarding transfers, mortgages, leases, licenses, agreements, and other conveyances in respect of property, movable or immovable including Government securities belonging to the University or to be acquired for the purpose of the University with the prior permission of the Government;

(xxix) to admit students for the courses offered by the University in the manner prescribed by the Ordinances; to create academic, technical, administrative, ministerial and other posts prescribing qualifications by the Ordinances and to make appointments thereto;

(xxx) to create academic, technical, administrative, ministerial and other posts prescribing qualifications by the Ordinances and to make appointments thereto;

(xxxi) to institute professorships, associate professorships, assistant professorships, readerships, lectureships, and any other teaching, academic or research posts and to prescribe by the Statutes, the qualifications for the persons to be appointed on such posts;

(xxxii) to appoint qualified persons as professors, associate professors, assistant professors, or as teachers and researchers or other officers of the University in such manner as may be prescribed by the Statutes;

(xxxiii) to make arrangements for social and cultural activities and for promoting health and general welfare of students, faculty and staff of the university;

(xxxiv) to regulate and enforce discipline among the students, employees of the University and to provide for such disciplinary measures as may be prescribed by the Regulations;

(xxxv) to delegate all or any of its powers(except the power to make regulations) to any officer or authority of the University, and

(xxxvi) to do all such acts and things as the University may consider necessary conducive or incidental to the attainment or enlargement of all or any of the objects of the University;

Application for establishment of a University.

6. Any Sponsoring body desirous of establishing a Private University shall make an application to the Council containing the proposal and the project report in such manner containing such particulars along with such fee as may be prescribed.

Project report.

7. In addition to the particulars as may be prescribed under section 6, the project report shall contain the following, namely:-

Central Act No.21 of 1860, Act No.35 of 2001, Central Act No.2 of 1882.

(a) The details of the Sponsoring body along with the copies of its registration certificate under the Societies Registration Act, 1860, or the Andhra Pradesh Societies Registration Act, 2001 or the Indian Trusts Act, 1882 or the certificate of registration under the Companies Act, 2013.

(b) The information regarding financial resources of the Sponsoring body along with audited financial statements for the past five years;

(c) The name and location of the proposed University;

(d) The objectives of the University;

(e) The nature and type of programmes of study and research proposed to be undertaken by the University and their relevance to the development goals, emerging areas, local needs and employment needs of the State and phasing of such programmes over the initial three years with course wise enrolment targets;

(f) The relevant details must also be provided if the University proposes to start some programmes for the benefit of farmers, women and industries;

(g) The experience and expertise in the concerned disciplines at the command of the Sponsoring body;

(h) The teaching and non-teaching staff to be deployed before the University starts functioning and the phased programme for initial three years;

(i) The details of plans for campus development such as details of land, including land in possession, if any, construction of buildings, development of structural amenities and infrastructure facilities and procurement of equipment, etc., to be undertaken before the University starts functioning and the phased programme for initial three years;

(j) The phased outlays of capital expenditure proposed for the next three years and its sources of finance;

(k) The estimated recurring expenditure program-wise or activity-wise, sources of finance and estimated expenditure per student;

(l) The scheme of mobilizing resources and the cost of capital thereto and the manner of repayment to such sources;

(m) The scheme for generation of funds internally through the recovery of fees from students, revenues anticipated from consultancy services and other activities relating to the objects of the University, and other anticipated incomes;

(n) The proposed fee structure with reference to the details of expenditure on unit cost and the extent of concessions or rebates in fee or free-ships and scholarships to the poor students from economically poor or socially backward families, including Scheduled Castes, Scheduled Tribes, other Backward Classes and physically challenged students;

(o) The system proposed to be followed for selecting students for admission to the courses of study at the University;

(p) The system proposed to be followed for appointment of teachers and other employees in the University;

(q) The details of play grounds and other facilities proposed to be created for games and sports and extra curricular activities like National Cadet Corps, National Service Scheme, Scouts and Guides, etc;

(r) The arrangement proposed to be made for academic auditing;

(s) Justification regarding the necessity of establishment of the proposed University;

(t) Commitment to follow the norms of the Regulatory Bodies;

(u) Such other details as the Sponsoring body may like to give;

(v) Other details as may be prescribed.

The power of Council for constitution of Screening Committee and factors to

8. (1) The Council, on receipt of the application made under sections 6 and 7 by the sponsoring body, shall constitute a Screening Committee consisting of ;

(a) One expert in educational administration;
(b) One expert from legal field;
(c) One expert with financial matters;
(d) Two eminent academicians (of whom one will be the convener).

(2) The Council shall refer the application made by the Sponsoring Body to the Screening Committee constituted under sub-section (1).

(3) The Screening Committee shall consider the proposal and the project report based on the information given under sections 6 and 7 and recommend or otherwise whether the proposal to set up a Private University is acceptable and whether the Sponsoring body is competent to run the University.

(4) The Screening Committee shall consider the proposal with reference to the following factors:

(a) financial soundness and assets of the Sponsoring body and its ability to setup the infrastructure of the proposed University;

(b) background of the Sponsoring body such as experience in the field of education, its credibility and general reputation;

(c) potentiality of the courses to be offered which are not only of conventional nature but also in tune with the contemporary requirements of emerging branches of learning and relevant to various development sectors and to the society in general;

(5) The Screening Committee, while considering the proposal and the project report, may call for such other information from the Sponsoring body as it thinks proper for the purpose.

(6) The Screening Committee shall submit its report to the Council as far as possible within a period of three months.

Recommendations of the Council.

9. The Council shall furnish its recommendations on the report of the Screening Committee to the Government within a period of one month from the date of submission of the report by the Screening Committee.

Letter of intent.

10. (1) After receipt of the recommendations of the Council under section 9, the Government shall, as far as possible within a period of two months, take a decision as to whether it is advisable to establish a University or to reject the proposal. In the former case it may authorize the Council to issue a Letter of Intent within a further period of fifteen days.

(2) The Council, while issuing the Letter of Intent, shall require the Sponsoring body to fulfill such terms and conditions as prescribed in Schedule II and any other terms and conditions as prescribed.

(3) The Sponsoring body shall fulfill the terms and conditions and report compliance to the Council within a period of two years from the date of issue of Letter of Intent. The Government may extend the time if satisfied with the reasons for delay.

(4) On receipt of compliance report, the Council shall, within a period of one month, request the Screening Committee constituted under Section 8 or constitute another similar Committee to verify the compliance report and submit a report within a further period of one month.

Establishment of University by Legislation.

11. If the Government is satisfied that the Sponsoring body has complied with the conditions of Letter of Intent and on the specific recommendations of the Council, it may bring appropriate legislation within a maximum period of seven months for inclusion of the name of the University in Schedule 1 with details of its location. If the Government is not so satisfied, it may point out deficiencies and suggest that the proposal be resubmitted after effecting necessary rectifications within a period of six months.

Management of certain institutions.

12. Subject to the provision of sub-section (4) of section 3 the University may, as and when it deems fit and proper, establish and manage some constituent colleges and centers for research, education, training, extension and outreach within the State of Andhra Pradesh.

University open to all irrespective of sex, religion, class, creed or opinion

13. (1) No person shall be excluded from any office of the University or from membership of any of its authorities or from admission to any degree, diploma or other academic distinction or course of study on the ground of sex, race, creed, class, caste, place of birth, religious belief or political or other opinion.

(2) It shall not be lawful for the University to impose on any person any test whatsoever relating to sex, race, creed, caste, class, place of birth, religious belief or political or other opinion in order to entitle him to be admitted as a student or to hold any office or post in the University or to qualify for any degree, diploma or other academic distinction or to enjoy or exercise any privileges of the University or any benefaction thereof.

CHAPTER III

OFFICERS OF UNIVERSITY

Officers of University.

14. The following shall be the officers of the University, namely:-

(a) The Chancellor;

(b) The Vice Chancellor;

(c) The Registrar;

(d) The Chief Finance and Accounts Officer; and

(e) such other officers as may be declared by the Statutes to be the officers of the University.

Chancellor.

15. (1) The Chancellor shall be appointed by the Sponsoring body for a period of five years from a panel of three names selected by a Search Committee. The Search Committee shall be constituted by the Sponsoring body and shall consist of any three members nominated from out of the Eminent Persons Panel.

(2) The Chancellor shall be the head of the University.

(3) The Chancellor shall preside at the meetings of the Governing Body and at the convocation of the University for conferring degrees, diplomas or other academic distinctions and in his absence by any other member of the Governing Body nominated by it.

(4) The Chancellor shall have the following powers, namely,-

(a) to call for any information or record;

(b)to remove the Vice Chancellor in accordance with the provisions of sub-section (6) of section 16;

(c) such other powers as may be prescribed by the Statutes.

Vice Chancellor.

16. (1) The Vice Chancellor shall be appointed by the Chancellor from out of a panel of three persons recommended by a Selection Committee consisting of the following members, and shall, subject to the provisions of sub-section (6), hold office for a term of three years or up to the age of 65 years whichever is earlier:-

(i) an eminent professional to be nominated by the Governing Body;
(ii) an eminent educationist to be nominated by the Governing Body; and
(iii) one member of the Governing Body to be nominated by the Chancellor from out of the category of members listed under clause (c), (e),(f) or (g) of sub-section (1) of Section 21:

Provided that, after expiry of the term of three years, a person shall be eligible for re-appointment for another term of three years subject to the upper age limit of 65 years:

Provided further that a Vice Chancellor shall continue to hold office even after expiry of his term till a new Vice Chancellor takes charge of the office, but in any case this period shall not exceed one year:

Provided also that the Chancellor may appoint the first Vice Chancellor for a period of one year or until a regular Vice Chancellor is appointed under this section whichever is earlier.

(2) The Vice Chancellor shall be the principal executive and academic officer of the University and shall exercise general superintendence and control over the

affairs of the University and shall execute the decisions of various authorities of the University.

(3) Where, in the opinion of the Vice Chancellor, it is necessary to take immediate action on any matter for which powers are conferred on any other officer or authority by or under this Act, he may take such action as he deems necessary and shall at the earliest opportunity thereafter report his action to such officer or authority as would have in the ordinary course dealt with the matter:

Provided that if in the opinion of the concerned officer or authority such action should not have been taken by the Vice Chancellor then such case shall be referred to the Chancellor, whose decision thereon shall be final:

Provided further that where any such action taken by the Vice Chancellor affects any person in the service of the University, such person shall be entitled to prefer, within three months from the date on which such action is communicated to him, an appeal to the Governing Body and it may confirm or modify or reverse the action taken by the Vice Chancellor.

(4) Where, in the opinion of the Vice Chancellor , decision of any officer or authority of the University is not within the powers conferred by this Act or the Statutes, the Ordinances, the Regulations or the rules or is likely to be prejudicial to the interest of the University, he shall request the concerned authority to revise its decision within fifteen days from the date of its decision and in case the authority refuses to revise such decision wholly or partly or fails to take any decision within fifteen days, then such matter shall be referred to the Chancellor and his decision thereon shall be final.

(5) The Vice Chancellor shall exercise such powers and perform such functions as may be prescribed by the Statutes or the Ordinances.

(6) The Chancellor may, on representation made or otherwise and after making such inquiry as may be necessary and is of the opinion that the continuance of the Vice Chancellor in office is not in the interests of the University, by an order in writing stating the reasons therein, direct the Vice Chancellor to relinquish his office from the date specified in the order:

Provided that before taking an action under this sub-section, the Vice Chancellor shall be given an opportunity of being heard.

Registrar.

17. (1) The appointment of the Registrar shall be made by the Chancellor in such manner as may be prescribed by the Statutes.

(2) All contracts shall be signed and all documents and records shall be authenticated by the Registrar on behalf of the University.

(3) The Registrar shall be the Member-Secretary of the Governing Body, the Board of Management and the Academic Council but he shall not have a right to vote.

(4) The Registrar shall exercise such powers and perform such duties as may be specified in the Statutes or the Ordinances.

Chief Finance & Accounts Officer.

18. (1) The appointment of the Chief Finance and Accounts Officer shall be made by the Chancellor in such manner as may be prescribed by the Statutes.

(2) The Chief Finance and Accounts Officer shall exercise such powers and perform such duties as may be specified in the Statutes or the Ordinances.

Other Officers.

19. (1) The University may appoint such other officers as may be necessary for its functioning.

(2) The manner of appointment of other officers of the University and their powers and functions shall be such as may be specified in the Statutes or the Ordinances.

CHAPTER IV

AUTHORITIES OF UNIVERSITY

Authorities of the University.

20. The following shall be the authorities of the University, namely:-

(a) The Governing Body;

(b) The Board of Management;

(c) The Academic Council; and

(d) such other authorities as may be declared by the Statutes to be the authorities of the University.

Constitution, Tenure, Powers, Quorum, etc. of the Governing Body.

21. (1) The Governing Body of the University shall consist of the following members, namely,-

(a) The Chancellor;

(b) The Vice Chancellor;

(c) Three persons to be nominated by the Sponsoring body out of whom one shall be an eminent educationist, one eminent researcher and one eminent public administrator;

(d)Two Deans or Directors of the constituent colleges, schools, institutes or centers of the University, by rotation, to be nominated by the Vice Chancellor;

(e) One expert of Management or Information Technology from outside the University to be nominated by the Governing Body;

(f) Two experts representing other disciplines such as finance, legal, social sector to be nominated by the Governing Body;

(g) One eminent industrialist to be nominated by the Governing Body; and

(h) Secretary to the Government of Andhra Pradesh, Higher Education Department or his representative not below the rank of Joint Secretary to Government as an ex-officio member.

(2) The Chancellor shall be the Chairman of the Governing Body.

(3) (a) Save as otherwise provided in this section, the term of nominated members of the Board shall be three years from the date of nomination;

(b) An ex-officio member shall continue so long as he holds the office by virtue of which he is such a member;

(c) As nearly as one third of the nominated members, except the ex-officio member shall retire by rotation each year. In the first two instances, the Board may decide the procedure to identify the members who will retire;

(d) A member may be re-nominated for the next term;

(e) A member may resign his office by writing under his hand, addressed to the Chairman, but he shall continue in office until his resignation has been accepted.

(4) The Governing Body shall be the supreme authority of the University. All the movable and immovable property of the University shall vest in the Governing Body.

(5) The Governing Body shall have the following powers, namely,-

(a) to provide general superintendence and directions and to control functioning of the University by using all such powers as are provided by this Act or the Statutes, Ordinances, Regulations or rules made thereunder;

(b) to review the decisions of other authorities of the University in case they are not in conformity with the provisions of this Act or the Statutes, Ordinances, Regulations or rules made thereunder;

(c) to approve the budget and annual report of the University;

(d) to lay down the extensive policies to be followed by the University;

(e) to recommend to the Sponsoring body about the voluntary liquidation of the University; and

(f) such other powers as may be prescribed by the Statutes.

(6) The Governing Body shall meet at least three times in a financial year.

(7) Minimum four members shall form a quorum for a meeting of the Governing Body.

Board of Management.

22. (1) The Board of Management shall consist of the following persons, namely,-

(a) the Vice Chancellor;

(b) two members of the Governing Body, to be nominated by the Sponsoring body;

(c) two eminent persons from the fields of Management, Finance, Science & Technology or Public Administration, who are not the members of the Governing Body, to be nominated by the Sponsoring body;

(d) three persons from amongst the Heads of Departments of the University, to be nominated by the Sponsoring body; and

(e) one lady faculty member to be nominated by the Chancellor.

(2) The Vice Chancellor shall be the Chairman of the Board of Management:

Provided that in the absence of the Vice Chancellor, the Chancellor may, at his discretion, nominate any other member of the Governing Body to be the Chairman of the Board of Management.

(3) The Powers and functions of the Board of Management shall be such as may be prescribed by the Statutes.

(4) The Board of Management shall meet at least once in every two months.

(5) Minimum four members shall form a quorum for a meeting of the Board of Management.

Academic Council.

23. (1) The Academic Council shall consist of the Vice Chancellor, the Registrar and such other members as may be prescribed by the Statutes.

(2) The Vice Chancellor shall be the Chairperson of the Academic Council.

(3) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes, the Ordinances and the rules made thereunder, co-ordinate and exercise general supervision over the academic policies of the University.

(4) The quorum for meetings of the Academic Council shall be such as may be prescribed by the Statutes.

Dis-qualifications.

24. (1) A person shall be disqualified for being a member of any of the authorities or bodies of the University, if,-

(a) he is of unsound mind and stands so declared by a competent court;
(b) he is an undischarged insolvent;
(c) he has been convicted of any offence involving moral turpitude;
(d) he is conducting or engaging himself in private coaching with or without pecuniary gain; or
(e) he has been punished for indulging in or promoting unfair practice in the conduct of any examination, in any form, anywhere.

Vacancies not to invalidate the constitution of, or the proceedings of any authority or body of University.

25. No act or proceedings of any authority of the University shall be invalid merely by reason of any vacancy in or defect in the constitution of any authority or body of the University.

Constitution of committees.

26. The authorities of the University may constitute such committees with such terms of reference as may be necessary for specific tasks to be performed by such committees. The constitution of such committees, powers to be exercised and duties to be performed shall be such as may be prescribed by the Statutes.

CHAPTER V

STATUTES, ORDINANCES AND REGULATIONS

First Statutes.

27. (1) Subject to the provisions of this Act, and the rules made thereunder, the First Statutes may provide for all or any of the following matters, namely:-

(a) the constitution, powers and functions of the authorities and other bodies of the University as may be constituted from time to time;

(b) the terms and conditions of appointment of the Vice Chancellor, his powers and functions;

(c) the manner and terms and conditions of appointment of the Registrar and Chief Finance and Accounts Officer, their powers and functions;

(d) the manner and terms and conditions of appointment of other officers and teachers and their powers and functions;

(e) the terms and conditions of service of employees of the University;

(f) the procedure for arbitration in cases of disputes between employees or students and the University;

(g) the conferment of honorary degrees;

(h) framing of policy for admissions, including regulation of reservation of seats;

(i) fees to be charged from students; and

(j) the provisions regarding exemption from payment of tuition fee and awarding scholarships and fellowships to the students.

(2) The First Statutes of the University shall be made by the Governing Body and shall be submitted to the Government for its approval.

(3) The Government shall consider the First Statutes, submitted by the University and shall approve it as far as possible within two months from the date of its receipt, with or without modifications, as it may deem necessary provided that the Government shall mention reasons for such modifications, if any.

(4) The University shall communicate its agreement to the First Statutes as approved by the Government, and if it desires not to give effect to any or all the modifications made by the Government under sub-section (3), it may give reasons therefore and after considering such reason, the Government may or may not accept the suggestions made by the University.

(5) The Government shall publish the First Statutes, as finally approved by it, in the Andhra Pradesh *Gazette*, and thereafter it shall come into force from the date of such publication.

Subsequent Statutes.

28. (1) Subject to the provisions of this Act and the rules made thereunder, the subsequent Statutes of the University may provide for all or any of the following matter, namely,-

(a) Creation of new authorities of the University;

(b) Accounting policy and financial procedure;

(c) Representation of teachers in the authorities of the University;

(d) Creation of new departments and abolition or restructuring of existing department;

(e) Institution of medals and prizes;

(f) Procedure for creation and abolition of posts;

(g) Revision of fees;

(h) Alteration of the number of seats in different disciplines; and

(i) All other matters which by or under the provisions of this Act require to be prescribed by the Statutes.

(2) The Statutes of the University other than the First Statutes shall be made by the Board of Management with the approval of the Governing Body.

(3) The Statutes made under sub-section (2) shall be submitted to the Government and it may approve or, if it considers necessary, give reasoned suggestions for modification as far as possible within two months from the date of receipt of the Statutes.

(4) The Governing Body shall consider the modifications suggested by the Government and return the Statutes to it with its agreement to such changes or with its comments on the suggestions made by the Government.

(5) The Government shall consider the comments of the Governing Body and may approve the Statutes with or without modifications and it shall be published by it in the Andhra Pradesh *Gazette*, and shall come into force from the date of such publication.

First Ordinances.

29. (1) Subject to the provisions of this Act, the rules and the Statutes made thereunder, the first Ordinances may provide for all or any of the following matter, namely,-

(a) The admission of students to the University and their enrolment as such;

(b) The courses of study to be laid down for degrees and diplomas of the University;

(c) The award of degrees, diplomas and other academic distinctions, the minimum qualifications for the same;

(d) The conditions for award of fellowships, scholarships, stipends, medals and prizes;

(e) The conduct of examinations, including the terms of office and manner of appointment and the duties of examining bodies, examiners and moderators;

(f) Fees to be charged for the various courses, examinations, degrees or diplomas of the University;

(g) The conditions of residence of the students of the University;

(h) Provision regarding disciplinary action against the students;

(i) The creation, composition and functions of any other body which is considered necessary for improving the academic standards of the University;

(j) The manner of co-operation and collaboration with other Universities and institutions of higher education;

(k) Such other matters which are required to be provided by the Ordinance by or under this Act.

(2) The First Ordinances of University shall be made by the Vice Chancellor which, after being approved by the Board of Management, shall be submitted to the Government for its approval.

(3) The Government shall consider the First Ordinances submitted by the Vice Chancellor under sub-section (2) as far as possible within two months from the date of its receipt and may approve it or give reasoned suggestions for modifications therein.

(4) The Vice Chancellor shall either modify the Ordinances incorporating the suggestion of the Government or give reasons for not incorporating any of the suggestions made by the Government and shall return the First Ordinances, after

due consideration by the Board of Management, to the Government and on receipt of the same, it shall consider the comments of the Vice Chancellor and may approve the First Ordinances of the University with or without such modifications and it shall then be published by the Government in the Andhra Pradesh Gazette, and it shall come into force from the date of such publication.

Subsequent Ordinances.

30. (1) All Ordinances other than the First Ordinances shall be made by the Academic Council which after being approved by the Board of Management shall be submitted to the Government for its approval.

(2) The Government shall consider the Ordinances submitted by the Academic Council under sub-section(1) as far as possible within two months from the date of its receipt and may approve it or give reasoned suggestions for modifications therein.

(3) The Academic Council shall either modify the Ordinances incorporating the suggestion of the Government or give reasons for not incorporating any of the suggestions made by the Government and shall return the Ordinances, after due consideration by the Board of Management, to the Government and on receipt of the same, it shall consider the comments of the Academic Council and may approve the Ordinances with or without modifications and it shall then be published by it in the Andhra Pradesh *Gazette*, and shall come into force from the date of such publication.

Regulations.

31. The authorities of the University may, subject to the prior approval of the Board of Management make Regulations, consistent with this Act, the Statutes, the Ordinances and the rules made thereunder, for the conduct of business of each such authority and committees constituted by each such authority.

CHAPTER VI

REGULATION OF UNIVERSITY

Regulatory Authority.

32. (1) A Regulatory Authority shall be established by the Government for the purpose of providing a regulatory mechanism at the state level for working as an interface between the Government and the Regulatory Bodies for the purpose of ensuring appropriate standards of teaching, examination, research, extension programmes and protection of interests of the students.

(2) The Regulatory Authority shall function under the general control of the Chief Minister of Andhra Pradesh.

(3) The Regulatory Authority shall consist of a Chairman and such other members, not exceeding two, as the Government may decide from time to time.

(4) The Chairman shall be an eminent educationist or an administrator who has a thorough knowledge of the working of the institutions of higher education. The members shall be persons of repute in the field of education, finance, law, administration or management.

(5) The Chairman and members shall be appointed by the Chief Minister from a list of three names each selected by a Search Committee which shall be

constituted by the Chief Minister by nominating any three members from out of the Eminent Persons Panel.

(6) The Regulatory Authority shall have a full time Secretary who shall be appointed by the Government and shall be an officer not below the rank of an Additional Secretary to Government.

(7) The Chairman and the members shall not be connected in any way with any of the private universities established under this Act.

(8) The Chairman and members of the Regulatory Authority shall hold office for a term of three years from the date on which the individual enters office, or until he attains the age of sixty five years, whichever is earlier, and he shall be eligible to be considered for a second term of aforesaid years subject to the upper age limit of sixty five years:

Provided that notwithstanding the expiry of the said period the Chairman shall continue in office until his successor is appointed, but such period shall not exceed six months:

Provided further that after the expiry of the term, the Chairman and the members of the Regulatory Authority shall be prohibited from accepting any pecuniary benefits in any form or in any name whatsoever and any assignment or employment in any of the private universities established under this Act.

(9) The other terms and conditions of services of Chairman and the members, mode of authentication of orders and decisions of the Regulatory Authority and instrument issued by the Regulatory Authority, procedure of meeting of the Regulatory Authority, recruitment and service conditions of the staff of the Regulatory Authority, temporary association of persons with the Regulatory Authority for particular purpose, fund of the Regulatory Authority as budget, annual report, accounts, audit and such other matter, as may be required for proper functioning of the Regulatory Authority, shall be provided in the rules made by the Government in this regard.

(10) It shall be the general duty of the Regulatory Authority ---

(a) to take all such steps as it considers necessary for determination and maintenance of standards of teaching, examination and research in the private universities;

(b) to constitute expert panels to periodically review the education and research activities of the private universities;

(c) notwithstanding anything contained in any other law for the time being in force to ensure that private universities collect only such fees and other charges which cover the cost of education imparted by them and also give a reasonable surplus to enable them to maintain assets and carry out further expansion.

(d) to ensure that the teachers of the private universities have at least the minimum educational qualifications prescribed by the UGC or other regulatory bodies;

(e) to ensure that the staff of the private universities is appointed in conformity with the Statutes, Ordinances, norms and guidelines prescribed by the UGC and other concerned statutory bodies;

(f) to ensure that the students enrolled in the private universities are not exploited and no unethical means is adopted to collect undue or excessive fees from them;

(g) to take action pertaining to and pursuant upon liquidation of a private university including arrangement for completion of courses, conduct of examinations, award of degrees etc. by assigning the jobs to some other State University in such a manner that the interest of the students are not adversely affected and the expenditure made for these arrangements for the students along with the process of liquidation of the private university shall be made good from the money deposited in the endowment fund and/or general fund.

(11) The Regulatory Authority shall have powers to inspect the university at any time after giving prior notice of such inspection.

(12) The findings of the Regulatory Authority shall be communicated to the University. If necessary, a show cause notice shall be issued to the University to rectify deficiencies.

(13) If the Regulatory Authority is not satisfied with the reply given and the remedial action by the University, it shall report to the Government for appropriate action.

(14) The Government may issue directions on matters of policy to the Regulatory Authority which shall be binding.

Powers of State Government to give directions.

33. (1) The Government may, for the purpose of ascertaining the standards of teaching, examination and research or any other matter relating to the University, cause an assessment to be made in such manner as may be prescribed, by such person or persons as it may deem fit.

(2) The Government shall communicate its recommendations to the University on the basis of such assessment for corrective action. The University shall adopt such corrective measures and make efforts so as to ensure compliance of the recommendations.

(3) The Government may give such directions as it may deem fit if the University fails to comply with the recommendations made under sub-section (2) within a reasonable time. The directions given by the Government shall be immediately complied with by the University.

Admissions and fee structure.

34. (1) The admission of students into various academic programmes of the University shall be made in such manner as may be prescribed.

(2) The fee structure for various academic programmes in the University shall be made in such manner as may be prescribed.

Convocation.

35. The Convocations of the University for conferring degrees, diplomas or for any other purpose, may be held in every academic year in the manner as may be prescribed by the Statutes.

Accreditation University.

36. The University shall obtain accreditation from the National of Assessment and Accreditation Council (NAAC) within five years of its establishment. It shall also obtain certification/ accreditation from such other Regulating Bodies which are connected with the courses taken up by the University. It shall inform the Government about the grade provided to the University. The University shall ensure renewal of such accreditation from time to time.

University to follow rules, regulations, norms, etc. of regulating bodies.

37. Notwithstanding anything contained in this Act, the University shall be bound to comply all the rules, regulations, norms, etc., of the Regulating Bodies and provide all such facilities and assistance to such Bodies as are required by them to discharge their duties and carry out their functions.

CHAPTER VII
FUNDS OF UNIVERSITY

Endowment Fund.

38. (1) The Sponsoring body shall establish an Endowment Fund for the University with an amount specified in the Letter of Intent.

(2) The Endowment Fund shall be used as security deposit to ensure that the University complies with the provisions of this Act and functions as per provisions of this Act, the Statutes, the Ordinances, the Regulations and the rules. The Government shall have the powers to order forfeiture, a part or whole of the Endowment Fund in case the University or the Sponsoring body contravenes the provisions of this Act or the Statutes, the Ordinances, the Regulations or the rules made thereunder. In such a case the forfeited amount shall be utilized for due compliance with the provisions of this act, statutes ordinances, regulations or the rules as the case may be:

Provided that before issuing an order of forfeiture under this sub-section, the Government shall afford an opportunity of representation to the University or the Sponsoring body as the case may be.

(3) The University if required may utilize 75% of the income from Endowment Fund for the development of infrastructure of the University and not to meet the recurring expenditure of the University. The balance and unutilized income shall be added to the Endowment Fund.

(4) The amount of Endowment Fund shall be invested in such instruments as the Government may prescribe and kept invested until the dissolution of the University.

(5) In case of investment in long term security, the certificates of the securities shall be kept in the safe custody of the Government and in case of deposit in the interest bearing Personal Deposit account in the Government Treasury the deposit shall be made with the condition that the amount shall not be withdrawn without the permission of the Government.

General Fund.

39. Every University shall establish a fund, which shall be called the General Fund to which the following shall be credited, namely:-

(a) fees and other charges received by the University;
(b) any contributions made by the Sponsoring body;
(c) any income received from consultancy and other work undertaken by the University in pursuance of its objectives;
(d) trusts, bequests, donations, endowments and any other grants; and

(e) all other sums received by the University.

Application of General Fund.

40. The General Fund shall be utilized for the following objects, namely:-

(a) for the repayment of debts including interest charges thereto incurred by the University for the purposes of this Act and the Statutes, the Ordinances, the Regulations and the rules made thereunder with the prior approval of the Governing Body;

(b) for upkeeping the assets of the University;

(c) for the payment of the fee for audit of the funds created under sections 38 and 39;

(d) for meeting the expenses of any suit or proceedings by or against the University;

(e) for the payment of salaries, allowances, Provident Fund contributions, gratuity and other benefits to officers, employees and members of the teaching and research staff;

(f) for the payment of travelling and other allowances of the members of the Governing Body, the Board of Management, the Academic Council, other authorities and the members of any committee appointed by any of the authorities or the Chancellor or the Vice Chancellor ;

(g) for the payment of fellowships, freeships, scholarships, assistantships and other awards to the students belonging to economically weaker sections of the society or research associates, trainees or, as the case may be, to any student otherwise eligible for such awards under the Statutes, the Ordinances, the Regulations or the Rules;

(h) for the payment of any expenses incurred by the University in carrying out the provisions of this Act or the Statutes, the Ordinances, the Regulations or the Rules;

(i) for the payment of cost of capital, not exceeding the prime lending rate from time to time of the State Bank of India, incurred by the Sponsoring body for setting up the University and the investments made therefor;

(j) for the payment of charges and expenditure relating to the consultancy work undertaken by the University in pursuance of the provisions of this Act or the Statutes, the Ordinances, the Regulations or the rules made thereunder;

(k) for the payment of any other expenses including service fee payable to any organization charged with the responsibility of providing any specific service, including the managerial services to the University, on behalf of the sponsoring body, as approved by the Board of Management to be an expense for the purposes of the University:

Provided that no expenditure shall be incurred by the University in excess of the limits for total recurring expenditure and total non-recurring expenditure for the year, as may be fixed by the Board of Management, without prior approval of the Board of Management.

CHAPTER VIII
ACCOUNTS, AUDIT AND ANNUAL REPORT

Annual Report.

41. The Annual Report shall be prepared by the University which shall include among other matters, the steps taken by the University towards the fulfillment of its objectives and shall be submitted to the Government.

Annual Accounts and Audit.

42. (1) The Annual Accounts including balance sheet of the University shall be prepared by the University and the annual accounts shall be audited at least once in every year by the auditors appointed by the University for this purpose.

(2) A copy of the Annual Financial Statements together with the Audit Report shall be submitted to the Government by the end of the month of November every year.

CHAPTER IX
WINDING UP OF UNIVERSITY

Management of University on dissolution of Sponsoring Body.

43. (1) If the Sponsoring body proposes to dissolve itself according to the provisions of law governing its constitution, it shall give at least six months prior notice to the Government.

(2) The Government shall, on receipt of such notice make such arrangements as may be necessary, for the administration of the University from the date of dissolution of the Sponsoring body till the completion of syllabus by the last batch of students admitted to the University.

(3) The Government may also decide to continue the functioning of the University by appointing an administrator in place of Sponsoring body, who shall be entrusted with the powers and functions as may be prescribed or where the Government decides to vest the powers of the Governing Body in the prescribed manner to other societies having similar objects.

(4) The Government on dissolution of the Sponsoring body after due consideration, may dissolve the University in such manner as may be prescribed.

Dissolution of University.

44. (1) The Sponsoring body which intends to dissolve the University shall give a notice to that effect in the prescribed manner to the Government. The Government, after due consideration, may dissolve the University in such manner as may be prescribed:

Provided that the dissolution of the University shall have effect only after the last batches of students of the regular courses have completed their courses and they have been awarded degrees, diplomas or awards as the case may be.

(2) On dissolution, the land assigned by the Government to the University shall be resumed.

Special Powers of State Government in certain circumstances.

45. (1) Where the Government is of the opinion that the University has contravened any of the provisions of this Act, the Statutes or the Ordinances or the Regulations or the rules made thereunder or has violated any of the directions issued by it under this Act or a situation of Financial mismanagement or maladministration has arisen in the University, it shall issue notice requiring the University to show cause within forty-five days as to why an administrator be not appointed.

(2) On receipt of reply of the University on the notice issued under sub-section (1), if the Government is satisfied that there is a prima facie case of contravention of any of the provisions of this Act or the Statutes, the Ordinances, the Regulations or the rules made thereunder or violation of directions issued by it under this Act or there is financial mismanagement or maladministration, it shall make an order of such inquiry as it may consider necessary.

(3) The Government shall, for the purposes of any such inquiry under sub-section (2), appoint an inquiry officer or officers to inquire into any of the allegations and to make report thereon.

(4) The inquiry officer or officers appointed under sub-section (3) shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit in respect of the following matters namely,-

Central Act No.5 of 1908.

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any such documents or any other material as may be predicable in evidence; and

(c) requisitioning any public record from any court or office.

(5) On receipt of the inquiry report from the officer or officers appointed under sub-section(3), if the Government is satisfied that the University has contravened all or any of the provisions of this Act or the Statutes, the Ordinances, the Regulations or the rules made thereunder or has violated any of the directions issued by it under this Act or a situation of financial mismanagement and maladministration has arisen in the University which threatens the academic standards of the University, it may appoint an administrator.

(6) The administrator appointed under sub-section (5) shall exercise all the powers and perform all the duties of the Governing Body and the Board of Management under this Act and shall administer the affairs of the University until the last batch of the students of the regular courses have completed their courses and they have been awarded with degrees, diplomas or awards as the case may be.

(7) After having been awarded the degrees, diplomas or awards as the case may be, to the last batches of the students of the regular courses, the administrator shall make a report to that effect to the Government.

(8) On receipt of the report under sub-section(7), the Government after due consideration, may decide to continue the functioning of the University by vesting the powers of the Governing body in the prescribed manner to other societies having similar objects or the government may decide to dissolve the University in such manner as may be prescribed.

CHAPTER X
MISCELLANEOUS

Powers of Government to make rules.

46.(1) The Government may, by notification, make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters namely,-

(a) The manner of making proposal and Project Report to establish University and the fees payable under section 6;

(b) Other particulars of the Project Report under section 7;

(c) Terms and conditions under sub-section (2) of Section 10;

(d) Other matters relating to Statutes and Ordinances under sub-section (1) of sections 27, 28 and 29;

(e) Matters relating to dissolution of the Sponsoring body under section 43;

(f) Matters relating to dissolution of the University under section 44 and section 45.

(3) Every rule made under this Act shall, immediately after it is made, be laid, before each House of the State Legislature, if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before the expiration of the Session in which it is so laid or the Session immediately following the Legislature of the State agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power to remove difficulties.

47. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Andhra Pradesh Gazette, make provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of three years from the date of commencement of this Act.

(2)Every order made under this section shall, as soon as may be after it is made, be laid before the State Legislature.

SCHEDULE-I

(See section 3)

Sl. No.	Name and location (address) of the Private University	Name & address of the Sponsoring body	Details of registration of the Sponsoring body
1.			
2.			
3.			
4.			

SCHEDULE-II

(See section 10(2))

1. **Endowment Fund**

The Sponsoring body shall establish an Endowment Fund with a minimum amount of Rs.5.00 crore. The Government shall have the power to direct any upward revision of the Endowment Fund from time to time.

2. Land requirements

The Sponsoring body shall procure a minimum of 30 acres of land within municipal limits and 40 acres in other areas, if not already available.

3. Space requirements

The Sponsoring body shall construct buildings such as Administrative, Academic and other buildings such as student activity center, auditorium etc. with a minimum plinth area of 10,000 sqm.

4. Books and Journals

The Sponsoring body shall purchase books and journals, including e-books and e-journals, worth at least Rs.30 lakh for the library.

5. Equipment and Infrastructure

The Sponsoring body shall invest a sum of about Rs 2.00 crore on purchase of equipment (including laboratory equipment), furniture and construction of infrastructural facilities and utilities (other than buildings).

6.Academic Departments and Faculty

The Sponsoring body shall start at least five post graduate academic departments. Every department shall have a minimum of six permanent faculty members (1 Professor, 2 Associate Professors and 3 Assistant Professors) having prescribed qualifications, together with the necessary supporting technical and ministerial staff as prescribed by the respective Statutory Bodies.

7.IT Infrastructure

The Sponsoring Body must provide good IT infrastructure including broadband for internet facilities by investing a sum of at least Rs.1.00 crore.

8. The sponsoring body shall furnish an undertaking to provide the following within the first five years:

(a) to create an additional carpet area of at least 10,000 sqm for academic and administrative purposes.

(b) to provide on campus residential accommodation to at least 25% of students and 20% of faculty.

(c) to invest a sum of at least Rs. 50 lakhs on purchase of books and journals including e-books and e-journals.

(d) to invest a sum of at least Rs.5.00 crore on equipment, furniture, other movable and immovable assets and infrastructure facilities (other than buildings).

(e) to invest a sum of at least Rs.1.00 crore on expanding IT infrastructure including broadband for internet.

(f) to provide Research funding to the tune of at least Rs. 3.00 crore.

STATEMENT OF OBJECTS AND REASONS

The "Andhra Pradesh Private Universities (Establishment and Regulation) Bill, 2015" is unique in nature and aims at creating world class centers of learning with a core objective to establish universities to achieve the goals of quality higher education and to bestow attention to research of global standards. The main objectives of these Universities are;

(1) create and disseminate knowledge across a broad range of disciplines.

(2) Engage students in the process of discovery of critical thinking, inculcate in them the habit of lifelong learning.

(3) Focus on original research, innovation and entrepreneurship.

(4) Allow for diversity of regional and educational backgrounds and fields of enquiry in order to promote productive intellectual engagement.

Ultimate intention is to develop Andhra Pradesh as a "Knowledge Hub" which would provide high quality, research oriented and industrial relevant education.

A number of private Universities have already been established, in various States, by private persons without financial assistance from the Government. In this era of liberalization and global education, it is germane to attract, encourage and prompt the private sector to participate in the higher education sector. It has, therefore, become necessary to lay the legislative pathway to establish self-financing Universities and which at the same time provides for an effective regulatory mechanism for maintenance of standards in these Universities.

The Bill seeks to achieve the above objects.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 1, 2, 3, 5, 6, 7, 10, 33, 37, 38, 43, 44, 46 and 47 of the Bill authorizes the Government to issue notifications and make rules in respect of the

matters specified therein and generally to carryout the purposes of the Act. All such notifications issued or rules so made, which are intended to cover matters mostly of procedural in nature are to be laid on the table of the both Houses of the State Legislature and will be subject to any modifications made by the Legislature.

The above provision of the Bill regarding delegated legislation are thus of normal type and mainly intended to cover matters of procedure.

MEMORANDUM UNDER RULE 95 OF THE RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN THE ANDHRA PRADESH LEGISLATIVE ASSEMBLY

The Andhra Pradesh Private Universities (Establishment and Regulation) Bill, 2015, after it is passed by the Legislature of the State may be submitted to the Governor for his assent under article 200 of the Constitution of India.

A BILL TO PROVIDE FOR ESTABLISHMENT AND REGULATION OF PRIVATE UNIVERSITIES IN THE STATE OF ANDHRA PRADESH WITH OBJECTS TO PROVIDE HIGH QUALITY, RESEARCH ORIENTED AND INDUSTRY RELEVANT HIGHER EDUCATION AND TO IMPROVE ACCESS AND EQUITY IN HIGHER EDUCATION IN ORDER TO ENHANCE THE GROSS ENROLMENT RATIO (GER) AND FOR THE MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Sixty-sixth year of the Republic of India, as follows:-

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (1) This Act may be called the Andhra Pradesh Private Universities (Establishment and Regulation) Act, 2015.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

Definitions.

2. In this Act, unless the context otherwise requires:-

Central Act No.52 of 1987.

(a) "AICTE" means the All India Council for Technical Education established under section 3 of the All India Council for Technical Education Act, 1987;

Central Act No.21 of 1860

(b) "AIU" means the Association of Indian Universities Registered under the Societies Registration Act, 1860;

(c) "BCI" means the Bar Council of India;

(d) "Central Government" means the Government of India;

(e) "Constituent College or Institution" means and includes a college or institution of the Sponsoring body;

Act No.16 of 1988.

(f) "Council" means the Andhra Pradesh State Council of Higher Education established under the provisions of the Andhra Pradesh State Council of Higher Education Act, 1988;

(g) "CSIR" means the Council of Scientific and Industrial Research, New Delhi, a society registered under the Societies Registration Act 1860;

(h) "DBT" means the Department of Biotechnology of the Central Government;

(i) "DST" means the Department of Science and Technology of the Central Government;

(j) "Eminent Persons Panel" means a panel of nine persons of impeccable integrity having outstanding knowledge and expertise in academics, scientific research, public administration, finance, law or management etc. notified by the Government from time to time.

(k) "Fee" means collection made by the University from the students for different purposes under different heads and which is non-refundable;

(l) "Government" means the Government of Andhra Pradesh;

(m) "Green Field" means starting of a university fresh for the first time from scratch without any consideration to any existing educational institution(s) or anything related to such institution(s);

(n) "Higher Education" means study of a curriculum or course for the pursuit of knowledge beyond 10+2 level;

Central Act No.21 of 1860.

(o) "ICAR" means the Indian Council of Agricultural Research, registered under the Societies Registration Act, 1860;

Central Act No.102

(p) "MCI" means the Medical Council of India constituted under the Medical Council Act, 1956;

(q) "NAAC" means the National Assessment and Accreditation Council, an autonomous institution of the UGC;

Central Act No.73

(r) "NCTE" means the National Council for Teacher Education established under the National Council for Teacher Education Act, 1993;

(s) "Notification" means a notification published in the Andhra Pradesh Gazette and the word 'notified' shall be construed accordingly;

Central Act No.8 of 1948.

(t) "PCI" means Pharmacy Council of India constituted under section 4 of the Pharmacy Act, 1948;

(u) "Prescribed" means prescribed by rules made under this Act;

(v) "Private University" means a University established under section 3 of this Act and hereafter also referred to as University;

(w) "Regulatory Authority" means an Authority established under section 32;

(x) "Regulatory Body" means and includes a body such as UGC, AICTE, NCTE, MCI, PCI, NAAC, ICAR, DBT, DST, CSIR, BCI established by the Central Government or Government for maintenance of standard of higher education;

(y) "Regulations" means regulations made by any authority of the University under section 31;

(z) "Rules" means rules made under section 46;

(za) "Schedule" means the Schedules appended to this Act;

(zb) "Screening Committee" means the Committee constituted under Section 8;

(zc) "Sponsoring body" in relation to a University established under this Act means:-

Central Act No.21 of 1860,

Act No.35 of 2001.

(i) a society "not for profit" registered under the Societies Registration Act, 1860 or the Andhra Pradesh Societies Registration Act, 2001; or

(ii) a public trust "not for profit" registered under the Indian Trusts Act, 1882; or

(iii) any other society or trust "not for profit" registered as above and formed by consortia of academic institution(s), industry and/or educational societies;

Central Act No.13 of 2013

(iv) Any company registered under section 8 of the Companies Act, 2013.

Act No.4 of 1991.

(zd) "State University" means a university established under the Andhra Pradesh Universities Act, 1991;

(ze) "Statutes" and "Ordinances" mean the Statutes and the Ordinances of the University made under this Act;

(zf) "Student" means a student of the University and includes any person enrolled in the University for pursuing any course of study for a degree, diploma or other academic distinction duly instituted by the University, including a research degree;

(zg) "Teacher" means a Professor, Associate Professor, Assistant Professor, or any other person required to impart education or to guide research or render guidance in any other form to the students for pursuing a course of study of the University;

Central Act No.3 of 1956

(zh) "UGC" means the University Grants Commission established under section 4 of the University Grants Commission Act, 1956.

CHAPTER II

ESTABLISHMENT OF UNIVERSITY

Establishment of University.

3. (1) The Government may permit the establishment of a University by inclusion of the name and location of the University, the name and address of the Sponsoring body and details of its registration in Schedule I.

(2) The location of the University shall be within the State of Andhra Pradesh and shall be notified by the Government.

(3) The University shall be a Green Field one and unitary in nature and shall not have power or provision to affiliate and recognize any college or institution to it.

(4) The University shall have one campus to start with:

Provided that the Government may permit opening of campus centres anywhere within the State of Andhra Pradesh, after satisfactory running for a period of five (5) years and subject to fulfillment of such infrastructural and other requirements as may be specified by the Government.

(5) The University may be permitted by the Government to conduct distance education programme anywhere within the State of Andhra Pradesh after satisfactory running for a period of five years and after obtaining necessary approvals of the UGC.

(6) The Governing Body, the Board of Management, the Academic Council and the Chancellor, the Vice Chancellor, the Registrar, the Chief Finance and Accounts Officer and such other officers or authorities, so long as they continue to hold such office or membership of the respective University specified in Schedule 1, hereby constitute a body corporate by the name of the said University.

(7) Each such University shall be a body corporate by the name included in Schedule 1 and shall have perpetual succession and common seal with power, subject to the provisions of this Act, to acquire and hold property, to contract and shall, by the said name, sue or be sued.

(8) The Universities shall not claim as a matter of right to receive any grant-in-aid or other financial assistance from Central Government or the Government.

Objects of the University.

4. The objects of the University shall be as follows:-

(a) to create, organize, preserve and disseminate knowledge in the fields of science and technology, humanities, social sciences, education, management, commerce, law, pharmacy, healthcare and any other field of higher education including professional education for the advancement of mankind in particular and to create higher al assistance from the Central Government or the Government levels of intellectual abilities;

(b) to provide for instruction, teaching, learning and training in the University in the field of higher education and make provisions for research, advancement and dissemination of known and new knowledge;

(c) to establish, maintain and manage institutions and centers of excellence, to create, organize, preserve and disseminate knowledge in the fields of higher education;

(d) to create centers of excellence for research and development and for sharing knowledge and its application;

(e) to develop infrastructure and state-of-art facilities for research, higher education, instruction, teaching, learning, training, extension and outreach;

(f) to develop educational programmes for diplomas, degrees and post-graduate courses, doctorate degrees and post-doctoral programmes and to maintain high standards of education and to collaborate with reputed national and global institutions to offer programmes and to create capabilities for upgrading programmes to global standards keeping in view the guidelines/ regulations of the UGC;

(g) to confer degrees, diplomas and other academic distinctions on the basis of examination or any other method of evaluation keeping in view the guidelines of the University Grants Commission;

(h) to ensure that the standards of the degrees, diplomas and other academic distinctions are higher than those laid down by the Regulatory Bodies;

(i) to establish close linkage with the industry, business, educational institutions and other sections of the society to make teaching, research, training, documentation, publication relevant to the needs of the University and Society, at national and international level;

(j) to provide consultancy to the industry and public and private organizations;

(k) to provide avenues for innovations, set up incubation centers and to develop entrepreneurship skills;

(l) to provide for arrangement for national and global participation in the field of higher education including foreign Institutions/ Universities keeping in view the guidelines of the Regulatory Bodies;

(m) to adopt new digital technologies for developing online electronic content;

(n) to pursue any other objectives as may be approved by the Government:

Provided that notwithstanding anything contained in this Act and save as provided in any Central Act, the University shall be eligible to undertake the functions of disseminating of knowledge only in the fields for which the Government has issued Letter of Intent or in the fields subsequently approved by the Government.

Powers and functions of the University.

5. The University shall exercise the following powers and perform the following functions, namely:-

(xxxvii) to administer and manage the University, establish, administer and manage its constituent colleges, schools, institutes and centers for research, education, training, extension and outreach;

(xxxviii) to provide for research, higher education including professional education, teaching, learning, training, extension and outreach in the fields of science and technology, humanities, social

sciences, education, management, commerce, law, pharmacy, healthcare and any other fields;

(xxxix) to prescribe courses, curricula and methodologies and provide for flexibility in the delivery of education;

(xl) to conduct the programmes and courses of study as are in the opinion of the University, necessary for the furtherance of its objects;

(xli) to conduct innovative experiments in educational technologies, teaching and learning methods to constantly improve the delivery of education and to achieve international standards of education;

(xlii) to offer joint programmes in collaboration with reputed national and international institutions recognized by Regulatory Bodies;

(xliii) to hold examinations and confer degrees, diplomas and other academic distinctions or titles on persons subject to such condition as the University may determine and to withdraw or cancel any such degrees, diplomas and other academic distinctions or titles in the manner prescribed by the Regulations;

(xliv) to confer honorary degrees or other distinctions in the manner prescribed by the Statutes;

(xlv) to establish a new constituent college, institution or center for furtherance of its objects;

(xlvi) to co-operate with other Universities, and acquire membership of bodies, authorities, or associations, which may have been formed for the advancement of learning, science or research, or for the dissemination of knowledge or for the physical and moral welfare of students, in such manner and for such purpose as the University may determine by Statutes;

(xlvii) to maintain linkages and collaborate with educational or other institutions in any part of the world having objects wholly or partially similar to those of the University, through exchange of students, researchers, faculty and staff and generally in such manner as may be conducive to their common objects subject to the relevant regulations of UGC ;

(xlviii) to sponsor and undertake research and educational programmes in the fields of science and technology, humanities, social sciences, education, management, commerce, law, pharmacy, healthcare and any other allied areas;

(xlix) to undertake research and to obtain registration in respect of such research in the nature of patents, design rights and such or similar rights with the competent authorities;

(l) to render services of research, training, consultancy and such other services as required for the purposes of the University;

(li) to develop and maintain relationships with faculty, researchers, administrators and domain experts in science and technology, humanities, social sciences, education, management, law, commerce, pharmacy, healthcare and allied area for achieving the objects of the University;

(lii) to provide for publication and reproduction of research, educational material and other works and to organize exhibitions conferences, workshops and seminars;

(liii) to establish, maintain and manage halls, hostels for students and quarters for the residence of faculty and staff;

(liv) to construct, manage and maintain centers, complexes, auditoria, buildings, stadia for the advancement of sports, cultural, co-curricular and extra-curricular activities;

(lv) to institute and award fellowships, scholarships, prizes, medals and other awards;

(lvi) to regulate the expenditure and to manage the finances and to maintain the accounts of the University;

(lvii) to fix, demand and receive or recover fees and such other charges as may be prescribed by the Statutes;

(lviii) to receive funds, movable and immovable properties, equipments, software and other resources from business, industry, other sections of society, national and international;

(lix) to purchase or to take on lease or accept as gifts, bequests, legacies or otherwise any land or building or works which may be necessary or convenient for the purpose of the University and on such terms and conditions as it may think fit and proper and to construct or alter and maintain any such building or works;

(lx) to sell, exchange, lease or otherwise dispose of all or any portion of the properties of the University, movable or immovable, with the prior permission of the Government, on such terms as it may think fit and consistent with the interest, activities and objects of the University;

(lxi) to draw and accept, to make and endorse, to discount and negotiate promissory notes, bills of exchange, cheques and other negotiable instruments;

(lxii) to raise and borrow money on bond, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the University or without any securities with the prior permission of the Government and upon such terms and conditions as it may think fit and to payout of the funds of the University, all expenses incidental to the raising of money, and to repay and redeem any money borrowed;

(lxiii) to invest the funds of the University in or upon such securities and transpose any investment from time to time with the prior permission of the Government in such manner as it may deem fit in the interest of the University;

(lxiv) to execute conveyances regarding transfers, mortgages, leases, licenses, agreements, and other conveyances in respect of property, movable or immovable including Government securities belonging to the University or to be acquired for the purpose of the University with the prior permission of the Government;

(lxv) to admit students for the courses offered by the University in the manner prescribed by the Ordinances; to create academic, technical, administrative, ministerial and other posts prescribing qualifications by the Ordinances and to make appointments thereto;

(lxvi) to create academic, technical, administrative, ministerial and other posts prescribing qualifications by the Ordinances and to make appointments thereto;

(lxvii) to institute professorships, associate professorships, assistant professorships, readerships, lectureships, and any other teaching, academic or research posts and to prescribe by the Statutes, the qualifications for the persons to be appointed on such posts;

(lxviii) to appoint qualified persons as professors, associate professors, assistant professors, or as teachers and researchers or other officers of the University in such manner as may be prescribed by the Statutes;

(lxix) to make arrangements for social and cultural activities and for promoting health and general welfare of students, faculty and staff of the university;

(lxx) to regulate and enforce discipline among the students, employees of the University and to provide for such disciplinary measures as may be prescribed by the Regulations;

(lxxi) to delegate all or any of its powers(except the power to make regulations) to any officer or authority of the University, and

(lxxii) to do all such acts and things as the University may consider necessary conducive or incidental to the attainment or enlargement of all or any of the objects of the University;

Application for establishment of a University.

6. Any Sponsoring body desirous of establishing a Private University shall make an application to the Council containing the proposal and the project report in such manner containing such particulars along with such fee as may be prescribed.

Project report.

7. In addition to the particulars as may be prescribed under section 6, the project report shall contain the following, namely:-

Central Act No.21 of 1860, Act No.35 of 2001, Central Act No.2 of 1882.

(w) The details of the Sponsoring body along with the copies of its registration certificate under the Societies Registration Act, 1860, or the Andhra Pradesh Societies Registration Act, 2001 or the Indian Trusts Act, 1882 or the certificate of registration under the Companies Act, 2013.

(x) The information regarding financial resources of the Sponsoring body along with audited financial statements for the past five years;

(y) The name and location of the proposed University;

(z) The objectives of the University;

(aa) The nature and type of programmes of study and research proposed to be undertaken by the University and their relevance to the development goals, emerging areas, local needs and employment needs of the State and phasing of such programmes over the initial three years with course wise enrolment targets;

(bb) The relevant details must also be provided if the University proposes to start some programmes for the benefit of farmers, women and industries;

(cc) The experience and expertise in the concerned disciplines at the command of the Sponsoring body;

(dd) The teaching and non-teaching staff to be deployed before the University starts functioning and the phased programme for initial three years;

(ee) The details of plans for campus development such as details of land, including land in possession, if any, construction of buildings, development of structural amenities and infrastructure facilities and procurement of equipment, etc., to be undertaken before the University starts functioning and the phased programme for initial three years;

(ff) The phased outlays of capital expenditure proposed for the next three years and its sources of finance;

(gg) The estimated recurring expenditure program-wise or activity-wise, sources of finance and estimated expenditure per student;

(hh) The scheme of mobilizing resources and the cost of capital thereto and the manner of repayment to such sources;

(ii) The scheme for generation of funds internally through the recovery of fees from students, revenues anticipated from consultancy services and other activities relating to the objects of the University, and other anticipated incomes;

(jj) The proposed fee structure with reference to the details of expenditure on unit cost and the extent of concessions or rebates in fee or free-ships and scholarships to the poor students from economically poor or socially backward families, including Scheduled Castes, Scheduled Tribes, other Backward Classes and physically challenged students;

(kk) The system proposed to be followed for selecting students for admission to the courses of study at the University;

(ll) The system proposed to be followed for appointment of teachers and other employees in the University;

(mm) The details of play grounds and other facilities proposed to be created for games and sports and extra curricular activities like National Cadet Corps, National Service Scheme, Scouts and Guides, etc;

(nn) The arrangement proposed to be made for academic auditing;

(oo) Justification regarding the necessity of establishment of the proposed University;

(pp) Commitment to follow the norms of the Regulatory Bodies;

(qq) Such other details as the Sponsoring body may like to give;

(rr) Other details as may be prescribed.

The power of Council for constitution of Screening Committee and factors to

8. (1) The Council, on receipt of the application made under sections 6 and 7 by the sponsoring body, shall constitute a Screening Committee consisting of ;

(e) One expert in educational administration;
(f) One expert from legal field;
(g) One expert with financial matters;
(h) Two eminent academicians (of whom one will be the convener).

(2) The Council shall refer the application made by the Sponsoring Body to the Screening Committee constituted under sub-section (1).

(3) The Screening Committee shall consider the proposal and the project report based on the information given under sections 6 and 7 and recommend or otherwise whether the proposal to set up a Private University is acceptable and whether the Sponsoring body is competent to run the University.

(4) The Screening Committee shall consider the proposal with reference to the following factors:

(d) financial soundness and assets of the Sponsoring body and its ability to setup the infrastructure of the proposed University;

(e) background of the Sponsoring body such as experience in the field of education, its credibility and general reputation;

(f) potentiality of the courses to be offered which are not only of conventional nature but also in tune with the contemporary requirements of emerging branches of learning and relevant to various development sectors and to the society in general;

(5) The Screening Committee, while considering the proposal and the project report, may call for such other information from the Sponsoring body as it thinks proper for the purpose.

(6) The Screening Committee shall submit its report to the Council as far as possible within a period of three months.

Recommendations of the Council.

9. The Council shall furnish its recommendations on the report of the Screening Committee to the Government within a period of one month from the date of submission of the report by the Screening Committee.

Letter of intent.

10. (1) After receipt of the recommendations of the Council under section 9, the Government shall, as far as possible within a period of two months, take a decision as to whether it is advisable to establish a University or to reject the proposal. In the former case it may authorize the Council to issue a Letter of Intent within a further period of fifteen days.

(2) The Council, while issuing the Letter of Intent, shall require the Sponsoring body to fulfill such terms and conditions as prescribed in Schedule II and any other terms and conditions as prescribed.

(3) The Sponsoring body shall fulfill the terms and conditions and report compliance to the Council within a period of two years from the date of issue of Letter of Intent. The Government may extend the time if satisfied with the reasons for delay.

(4) On receipt of compliance report, the Council shall, within a period of one month, request the Screening Committee constituted under Section 8 or constitute another similar Committee to verify the compliance report and submit a report within a further period of one month.

Establishment of University by Legislation

11. If the Government is satisfied that the Sponsoring body has complied with the conditions of Letter of Intent and on the specific recommendations of the Council, it may bring appropriate legislation within a maximum period of seven months for inclusion of the name of the University in Schedule 1 with details of its location. If the Government is not so satisfied, it may point out deficiencies and suggest that

the proposal be resubmitted after effecting necessary rectifications within a period of six months.

Management of certain institutions.

12. Subject to the provision of sub-section (4) of section 3 the University may, as and when it deems fit and proper, establish and manage some constituent colleges and centers for research, education, training, extension and outreach within the State of Andhra Pradesh.

University open to all irrespective of

13. (1) No person shall be excluded from any office of the University or from membership of any of its authorities or from admission to any degree, diploma or other academic distinction or course of study on the ground of sex, race, creed, class, caste, place of birth, religious belief or political or other opinion.

(2) It shall not be lawful for the University to impose on any person any test whatsoever relating to sex, race, creed, caste, class, place of birth, religious belief or political or other opinion in order to entitle him to be admitted as a student or to hold any office or post in the University or to qualify for any degree, diploma or other academic distinction or to enjoy or exercise any privileges of the University or any benefaction thereof.

CHAPTER III

OFFICERS OF UNIVERSITY

Officers of University.

14. The following shall be the officers of the University, namely:-

(a) The Chancellor;

(b) The Vice Chancellor;

(c) The Registrar;

(d) The Chief Finance and Accounts Officer; and

(e) such other officers as may be declared by the Statutes to be the officers of the University.

Chancellor.

15. (1) The Chancellor shall be appointed by the Sponsoring body for a period of five years from a panel of three names selected by a Search Committee. The Search Committee shall be constituted by the Sponsoring body and shall consist of any three members nominated from out of the Eminent Persons Panel.

(2) The Chancellor shall be the head of the University.

(3) The Chancellor shall preside at the meetings of the Governing Body and at the convocation of the University for conferring degrees, diplomas or other academic distinctions and in his absence by any other member of the Governing Body nominated by it.

(4) The Chancellor shall have the following powers, namely,-

(a) to call for any information or record;

(b)to remove the Vice Chancellor in accordance with the provisions of sub-section (6) of section 16;

(c) such other powers as may be prescribed by the Statutes.

Vice Chancellor.

16. (1) The Vice Chancellor shall be appointed by the Chancellor from out of a panel of three persons recommended by a Selection Committee consisting of the following members, and shall, subject to the provisions of sub-section (6), hold office for a term of three years or up to the age of 65 years whichever is earlier:-

(iv) an eminent professional to be nominated by the Governing Body;
(v) an eminent educationist to be nominated by the Governing Body; and
(vi) one member of the Governing Body to be nominated by the Chancellor from out of the category of members listed under clause (c), (e),(f) or (g) of sub-section (1) of Section 21:

Provided that, after expiry of the term of three years, a person shall be eligible for re-appointment for another term of three years subject to the upper age limit of 65 years:

Provided further that a Vice Chancellor shall continue to hold office even after expiry of his term till a new Vice Chancellor takes charge of the office, but in any case this period shall not exceed one year:

Provided also that the Chancellor may appoint the first Vice Chancellor for a period of one year or until a regular Vice Chancellor is appointed under this section whichever is earlier.

(2) The Vice Chancellor shall be the principal executive and academic officer of the University and shall exercise general superintendence and control over the affairs of the University and shall execute the decisions of various authorities of the University.

(3) Where, in the opinion of the Vice Chancellor, it is necessary to take immediate action on any matter for which powers are conferred on any other officer or authority by or under this Act, he may take such action as he deems necessary and shall at the earliest opportunity thereafter report his action to such officer or authority as would have in the ordinary course dealt with the matter:

Provided that if in the opinion of the concerned officer or authority such action should not have been taken by the Vice Chancellor then such case shall be referred to the Chancellor, whose decision thereon shall be final:

Provided further that where any such action taken by the Vice Chancellor affects any person in the service of the University, such person shall be entitled to prefer, within three months from the date on which such action is communicated to him, an appeal to the Governing Body and it may confirm or modify or reverse the action taken by the Vice Chancellor.

(4) Where, in the opinion of the Vice Chancellor , decision of any officer or authority of the University is not within the powers conferred by this Act or the Statutes, the Ordinances, the Regulations or the rules or is likely to be prejudicial to the interest of the University, he shall request the concerned authority to revise its decision within fifteen days from the date of its decision and in case the authority refuses to revise such decision wholly or partly or fails to take any decision within fifteen days, then such matter shall be referred to the Chancellor and his decision thereon shall be final.

(5) The Vice Chancellor shall exercise such powers and perform such functions as may be prescribed by the Statutes or the Ordinances.

(6) The Chancellor may, on representation made or otherwise and after making such inquiry as may be necessary and is of the opinion that the continuance of the Vice Chancellor in office is not in the interests of the University, by an order in writing stating the reasons therein, direct the Vice Chancellor to relinquish his office from the date specified in the order:

Provided that before taking an action under this sub-section, the Vice Chancellor shall be given an opportunity of being heard.

Registrar.

17. (1) The appointment of the Registrar shall be made by the Chancellor in such manner as may be prescribed by the Statutes.

(2) All contracts shall be signed and all documents and records shall be authenticated by the Registrar on behalf of the University.

(3) The Registrar shall be the Member-Secretary of the Governing Body, the Board of Management and the Academic Council but he shall not have a right to vote.

(4) The Registrar shall exercise such powers and perform such duties as may be specified in the Statutes or the Ordinances.

Chief Finance & Accounts Officer.

18. (1) The appointment of the Chief Finance and Accounts Officer shall be made by the Chancellor in such manner as may be prescribed by the Statutes.

(2) The Chief Finance and Accounts Officer shall exercise such powers and perform such duties as may be specified in the Statutes or the Ordinances.

Other Officers.

19. (1) The University may appoint such other officers as may be necessary for its functioning.

(2) The manner of appointment of other officers of the University and their powers and functions shall be such as may be specified in the Statutes or the Ordinances.

CHAPTER IV

AUTHORITIES OF UNIVERSITY

Authorities of the University.

20. The following shall be the authorities of the University, namely:-

(a) The Governing Body;

(b) The Board of Management;

(c) The Academic Council; and

(d) such other authorities as may be declared by the Statutes to be the authorities of the University.

Constitution, Tenure, Powers, Quorum, etc. of the Governing Body.

21. (1) The Governing Body of the University shall consist of the following members, namely,-

(a) The Chancellor;

(b) The Vice Chancellor;

(c) Three persons to be nominated by the Sponsoring body out of whom one shall be an eminent educationist, one eminent researcher and one eminent public administrator;

(d)Two Deans or Directors of the constituent colleges, schools, institutes or centers of the University, by rotation, to be nominated by the Vice Chancellor;

(e) One expert of Management or Information Technology from outside the University to be nominated by the Governing Body;

(f) Two experts representing other disciplines such as finance, legal, social sector to be nominated by the Governing Body;

(g) One eminent industrialist to be nominated by the Governing Body; and

(h) Secretary to the Government of Andhra Pradesh, Higher Education Department or his representative not below the rank of Joint Secretary to Government as an ex-officio member.

(2) The Chancellor shall be the Chairman of the Governing Body.

(3) (a) Save as otherwise provided in this section, the term of nominated members of the Board shall be three years from the date of nomination;

(f) An ex-officio member shall continue so long as he holds the office by virtue of which he is such a member;

(g) As nearly as one third of the nominated members, except the ex-officio member shall retire by rotation each year. In the first two instances, the Board may decide the procedure to identify the members who will retire;

(h) A member may be re-nominated for the next term;

(i) A member may resign his office by writing under his hand, addressed to the Chairman, but he shall continue in office until his resignation has been accepted.

(4) The Governing Body shall be the supreme authority of the University. All the movable and immovable property of the University shall vest in the Governing Body.

(5) The Governing Body shall have the following powers, namely,-

(g) to provide general superintendence and directions and to control functioning of the University by using all such powers as are provided by this Act or the Statutes, Ordinances, Regulations or rules made thereunder;

(h) to review the decisions of other authorities of the University in case they are not in conformity with the provisions of this Act or the Statutes, Ordinances, Regulations or rules made thereunder;

(i) to approve the budget and annual report of the University;

(j) to lay down the extensive policies to be followed by the University;

(k) to recommend to the Sponsoring body about the voluntary liquidation of the University; and

(l) such other powers as may be prescribed by the Statutes.

(6) The Governing Body shall meet at least three times in a financial year.

(7) Minimum four members shall form a quorum for a meeting of the Governing Body.

Board of Management.

22. (1) The Board of Management shall consist of the following persons, namely,-

(a) the Vice Chancellor;

(b) two members of the Governing Body, to be nominated by the Sponsoring body;

(c) two eminent persons from the fields of Management, Finance, Science & Technology or Public Administration, who are not the members of the Governing Body, to be nominated by the Sponsoring body;

(d) three persons from amongst the Heads of Departments of the University, to be nominated by the Sponsoring body; and

(e) one lady faculty member to be nominated by the Chancellor.

(2) The Vice Chancellor shall be the Chairman of the Board of Management:

Provided that in the absence of the Vice Chancellor, the Chancellor may, at his discretion, nominate any other member of the Governing Body to be the Chairman of the Board of Management.

(3) The Powers and functions of the Board of Management shall be such as may be prescribed by the Statutes.

(4) The Board of Management shall meet at least once in every two months.

(5) Minimum four members shall form a quorum for a meeting of the Board of Management.

Academic Council.

23. (1) The Academic Council shall consist of the Vice Chancellor, the Registrar and such other members as may be prescribed by the Statutes.

(2) The Vice Chancellor shall be the Chairperson of the Academic Council.

(3) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes, the Ordinances and the rules made thereunder, co-ordinate and exercise general supervision over the academic policies of the University.

(4) The quorum for meetings of the Academic Council shall be such as may be prescribed by the Statutes.

Dis-qualifications.

24. (1) A person shall be disqualified for being a member of any of the authorities or bodies of the University, if,-

(a) he is of unsound mind and stands so declared by a competent court;
(b) he is an undischarged insolvent;
(c) he has been convicted of any offence involving moral turpitude;
(d) he is conducting or engaging himself in private coaching with or without pecuniary gain; or
(e) he has been punished for indulging in or promoting unfair practice in the conduct of any examination, in any form, anywhere.

Vacancies not to invalidate the constitution of, or the proceedings of any authority or body of University

25. No act or proceedings of any authority of the University shall be invalid merely by reason of any vacancy in or defect in the constitution of any authority or body of the University.

Constitution of committees.

26. The authorities of the University may constitute such committees with such terms of reference as may be necessary for specific tasks to be performed by such committees. The constitution of such committees, powers to be exercised and duties to be performed shall be such as may be prescribed by the Statutes.

CHAPTER V

STATUTES, ORDINANCES AND REGULATIONS

First Statutes.

27. (1) Subject to the provisions of this Act, and the rules made thereunder, the First Statutes may provide for all or any of the following matters, namely:-

(a) the constitution, powers and functions of the authorities and other bodies of the University as may be constituted from time to time;

(b) the terms and conditions of appointment of the Vice Chancellor, his powers and functions;

(c) the manner and terms and conditions of appointment of the Registrar and Chief Finance and Accounts Officer, their powers and functions;

(d) the manner and terms and conditions of appointment of other officers and teachers and their powers and functions;

(e) the terms and conditions of service of employees of the University;

(f) the procedure for arbitration in cases of disputes between employees or students and the University;

(g) the conferment of honorary degrees;

(h) framing of policy for admissions, including regulation of reservation of seats;

(i) fees to be charged from students; and

(j) the provisions regarding exemption from payment of tuition fee and awarding scholarships and fellowships to the students.

(2) The First Statutes of the University shall be made by the Governing Body and shall be submitted to the Government for its approval.

(3) The Government shall consider the First Statutes, submitted by the University and shall approve it as far as possible within two months from the date of its receipt, with or without modifications, as it may deem necessary provided that the Government shall mention reasons for such modifications, if any.

(4) The University shall communicate its agreement to the First Statutes as approved by the Government, and if it desires not to give effect to any or all the modifications made by the Government under sub-section (3), it may give reasons therefore and after considering such reason, the Government may or may not accept the suggestions made by the University.

(5) The Government shall publish the First Statutes, as finally approved by it, in the Andhra Pradesh *Gazette*, and thereafter it shall come into force from the date of such publication.

Subsequent Statutes.

28. (1) Subject to the provisions of this Act and the rules made thereunder, the subsequent Statutes of the University may provide for all or any of the following matter, namely,-

(a) Creation of new authorities of the University;

(b) Accounting policy and financial procedure;

(j) Representation of teachers in the authorities of the University;

(k) Creation of new departments and abolition or restructuring of existing department;

(l) Institution of medals and prizes;

(m) Procedure for creation and abolition of posts;

(n) Revision of fees;

(o) Alteration of the number of seats in different disciplines; and

(p) All other matters which by or under the provisions of this Act require to be prescribed by the Statutes.

(2) The Statutes of the University other than the First Statutes shall be made by the Board of Management with the approval of the Governing Body.

(3) The Statutes made under sub-section (2) shall be submitted to the Government and it may approve or, if it considers necessary, give reasoned suggestions for modification as far as possible within two months from the date of receipt of the Statutes.

(4) The Governing Body shall consider the modifications suggested by the Government and return the Statutes to it with its agreement to such changes or with its comments on the suggestions made by the Government.

(5) The Government shall consider the comments of the Governing Body and may approve the Statutes with or without modifications and it shall be published by it in the Andhra Pradesh *Gazette*, and shall come into force from the date of such publication.

First Ordinances.

29. (1) Subject to the provisions of this Act, the rules and the Statutes made thereunder, the first Ordinances may provide for all or any of the following matter, namely,-

(l) The admission of students to the University and their enrolment as such;

(m) The courses of study to be laid down for degrees and diplomas of the University;

(n) The award of degrees, diplomas and other academic distinctions, the minimum qualifications for the same;

(o) The conditions for award of fellowships, scholarships, stipends, medals and prizes;

(p) The conduct of examinations, including the terms of office and manner of appointment and the duties of examining bodies, examiners and moderators;

(q) Fees to be charged for the various courses, examinations, degrees or diplomas of the University;

(r) The conditions of residence of the students of the University;

(s) Provision regarding disciplinary action against the students;

(t) The creation, composition and functions of any other body which is considered necessary for improving the academic standards of the University;

(u) The manner of co-operation and collaboration with other Universities and institutions of higher education;

(v) Such other matters which are required to be provided by the Ordinance by or under this Act.

(2) The First Ordinances of University shall be made by the Vice Chancellor which, after being approved by the Board of Management, shall be submitted to the Government for its approval.

(3) The Government shall consider the First Ordinances submitted by the Vice Chancellor under sub-section (2) as far as possible within two months from the date of its receipt and may approve it or give reasoned suggestions for modifications therein.

(4) The Vice Chancellor shall either modify the Ordinances incorporating the suggestion of the Government or give reasons for not incorporating any of the suggestions made by the Government and shall return the First Ordinances, after due consideration by the Board of Management, to the Government and on receipt of the same, it shall consider the comments of the Vice Chancellor and may approve the First Ordinances of the University with or without such modifications and it shall then be published by the Government in the Andhra Pradesh Gazette, and it shall come into force from the date of such publication.

Subsequent Ordinances.

30. (1) All Ordinances other than the First Ordinances shall be made by the Academic Council which after being approved by the Board of Management shall be submitted to the Government for its approval.

(2) The Government shall consider the Ordinances submitted by the Academic Council under sub-section(1) as far as possible within two months from the date of its receipt and may approve it or give reasoned suggestions for modifications therein.

(3) The Academic Council shall either modify the Ordinances incorporating the suggestion of the Government or give reasons for not incorporating any of the suggestions made by the Government and shall return the Ordinances, after due consideration by the Board of Management, to the Government and on receipt of the same, it shall consider the comments of the Academic Council and may approve the Ordinances with or without modifications and it shall then be published by it in the Andhra Pradesh *Gazette*, and shall come into force from the date of such publication.

Regulations.

31. The authorities of the University may, subject to the prior approval of the Board of Management make Regulations, consistent with this Act, the Statutes, the Ordinances and the rules made thereunder, for the conduct of business of each such authority and committees constituted by each such authority.

CHAPTER VI

REGULATION OF UNIVERSITY

Regulatory Authority.

32. (1) A Regulatory Authority shall be established by the Government for the purpose of providing a regulatory mechanism at the state level for working as an interface between the Government and the Regulatory Bodies for the purpose of ensuring appropriate standards of teaching, examination, research, extension programmes and protection of interests of the students.

(2) The Regulatory Authority shall function under the general control of the Chief Minister of Andhra Pradesh.

(3) The Regulatory Authority shall consist of a Chairman and such other members, not exceeding two, as the Government may decide from time to time.

(4) The Chairman shall be an eminent educationist or an administrator who has a thorough knowledge of the working of the institutions of higher education. The members shall be persons of repute in the field of education, finance, law, administration or management.

(5) The Chairman and members shall be appointed by the Chief Minister from a list of three names each selected by a Search Committee which shall be constituted by the Chief Minister by nominating any three members from out of the Eminent Persons Panel.

(6) The Regulatory Authority shall have a full time Secretary who shall be appointed by the Government and shall be an officer not below the rank of an Additional Secretary to Government.

(7) The Chairman and the members shall not be connected in any way with any of the private universities established under this Act.

(8) The Chairman and members of the Regulatory Authority shall hold office for a term of three years from the date on which the individual enters office, or until he attains the age of sixty five years, whichever is earlier, and he shall be eligible to be considered for a second term of aforesaid years subject to the upper age limit of sixty five years:

Provided that notwithstanding the expiry of the said period the Chairman shall continue in office until his successor is appointed, but such period shall not exceed six months:

Provided further that after the expiry of the term, the Chairman and the members of the Regulatory Authority shall be prohibited from accepting any pecuniary benefits in any form or in any name whatsoever and any assignment or employment in any of the private universities established under this Act.

(9) The other terms and conditions of services of Chairman and the members, mode of authentication of orders and decisions of the Regulatory Authority and instrument issued by the Regulatory Authority, procedure of meeting of the Regulatory Authority, recruitment and service conditions of the staff of the Regulatory Authority, temporary association of persons with the Regulatory Authority for particular purpose, fund of the Regulatory Authority as budget, annual report, accounts, audit and such other matter, as may be required for proper functioning of the Regulatory Authority, shall be provided in the rules made by the Government in this regard.

(10) It shall be the general duty of the Regulatory Authority ---

(h) to take all such steps as it considers necessary for determination and maintenance of standards of teaching, examination and research in the private universities;

(i) to constitute expert panels to periodically review the education and research activities of the private universities;

(j) notwithstanding anything contained in any other law for the time being in force to ensure that private universities collect only such fees and other charges which cover the cost of education imparted by them and also give a reasonable surplus to enable them to maintain assets and carry out further expansion.

(k) to ensure that the teachers of the private universities have at least the minimum educational qualifications prescribed by the UGC or other regulatory bodies;

(l) to ensure that the staff of the private universities is appointed in conformity with the Statutes, Ordinances, norms and guidelines prescribed by the UGC and other concerned statutory bodies;

(m) to ensure that the students enrolled in the private universities are not exploited and no unethical means is adopted to collect undue or excessive fees from them;

(n) to take action pertaining to and pursuant upon liquidation of a private university including arrangement for completion of courses, conduct of examinations, award of degrees etc. by assigning the jobs to some other State University in such a manner that the interest of the students are not adversely affected and the expenditure made for these arrangements for the students along with the process of liquidation of the private university shall be made good from the money deposited in the endowment fund and/or general fund.

(11) The Regulatory Authority shall have powers to inspect the university at any time after giving prior notice of such inspection.

(12) The findings of the Regulatory Authority shall be communicated to the University. If necessary, a show cause notice shall be issued to the University to rectify deficiencies.

(13) If the Regulatory Authority is not satisfied with the reply given and the remedial action by the University, it shall report to the Government for appropriate action.

(14) The Government may issue directions on matters of policy to the Regulatory Authority which shall be binding.

Powers of State Government to give directions.

33. (1) The Government may, for the purpose of ascertaining the standards of teaching, examination and research or any other matter relating to the University, cause an assessment to be made in such manner as may be prescribed, by such person or persons as it may deem fit.

(2) The Government shall communicate its recommendations to the University on the basis of such assessment for corrective action. The University shall adopt such corrective measures and make efforts so as to ensure compliance of the recommendations.

(3) The Government may give such directions as it may deem fit if the University fails to comply with the recommendations made under sub-section (2) within a reasonable time. The directions given by the Government shall be immediately complied with by the University.

Admissions and fee structure.

34. (1) The admission of students into various academic programmes of the University shall be made in such manner as may be prescribed.

(2) The fee structure for various academic programmes in the University shall be made in such manner as may be prescribed.

Convocation.

35. The Convocations of the University for conferring degrees, diplomas or for any other purpose, may be held in every academic year in the manner as may be prescribed by the Statutes.

Accreditation University.

36. The University shall obtain accreditation from the National of Assessment and Accreditation Council (NAAC) within five years of its establishment. It shall also obtain certification/ accreditation from such other Regulating Bodies which are connected with the courses taken up by the University. It shall inform the

Government about the grade provided to the University. The University shall ensure renewal of such accreditation from time to time.

University to follow rules, regulations, norms, etc. of regulating

37. Notwithstanding anything contained in this Act, the University shall be bound to comply all the rules, regulations, norms, etc., of the Regulating Bodies and provide all such facilities and assistance to such Bodies as are required by them to discharge their duties and carry out their functions.

CHAPTER VII
FUNDS OF UNIVERSITY

Endowment Fund.

38. (1) The Sponsoring body shall establish an Endowment Fund for the University with an amount specified in the Letter of Intent.

(2) The Endowment Fund shall be used as security deposit to ensure that the University complies with the provisions of this Act and functions as per provisions of this Act, the Statutes, the Ordinances, the Regulations and the rules. The Government shall have the powers to order forfeiture, a part or whole of the Endowment Fund in case the University or the Sponsoring body contravenes the provisions of this Act or the Statutes, the Ordinances, the Regulations or the rules made thereunder. In such a case the forfeited amount shall be utilized for due compliance with the provisions of this act, statutes ordinances, regulations or the rules as the case may be:

Provided that before issuing an order of forfeiture under this sub-section, the Government shall afford an opportunity of representation to the University or the Sponsoring body as the case may be.

(3) The University if required may utilize 75% of the income from Endowment Fund for the development of infrastructure of the University and not to meet the recurring expenditure of the University. The balance and unutilized income shall be added to the Endowment Fund.

(4) The amount of Endowment Fund shall be invested in such instruments as the Government may prescribe and kept invested until the dissolution of the University.

(5) In case of investment in long term security, the certificates of the securities shall be kept in the safe custody of the Government and in case of deposit in the interest bearing Personal Deposit account in the Government Treasury the deposit shall be made with the condition that the amount shall not be withdrawn without the permission of the Government.

General Fund.

39. Every University shall establish a fund, which shall be called the General Fund to which the following shall be credited, namely:-

(f) fees and other charges received by the University;
(g) any contributions made by the Sponsoring body;
(h) any income received from consultancy and other work undertaken by the University in pursuance of its objectives;
(i) trusts, bequests, donations, endowments and any other grants; and
(j) all other sums received by the University.

Application of General Fund.

40. The General Fund shall be utilized for the following objects, namely:-

(l) for the repayment of debts including interest charges thereto incurred by the University for the purposes of this Act and the Statutes, the Ordinances, the Regulations and the rules made thereunder with the prior approval of the Governing Body;

(m) for upkeeping the assets of the University;

(n) for the payment of the fee for audit of the funds created under sections 38 and 39;

(o) for meeting the expenses of any suit or proceedings by or against the University;

(p) for the payment of salaries, allowances, Provident Fund contributions, gratuity and other benefits to officers, employees and members of the teaching and research staff;

(q) for the payment of travelling and other allowances of the members of the Governing Body, the Board of Management, the Academic Council, other authorities and the members of any committee appointed by any of the authorities or the Chancellor or the Vice Chancellor ;

(r) for the payment of fellowships, freeships, scholarships, assistantships and other awards to the students belonging to economically weaker sections of the society or research associates, trainees or, as the case may be, to any student otherwise eligible for such awards under the Statutes, the Ordinances, the Regulations or the Rules;

(s) for the payment of any expenses incurred by the University in carrying out the provisions of this Act or the Statutes, the Ordinances, the Regulations or the Rules;

(t) for the payment of cost of capital, not exceeding the prime lending rate from time to time of the State Bank of India, incurred by the Sponsoring body for setting up the University and the investments made therefor;

(u) for the payment of charges and expenditure relating to the consultancy work undertaken by the University in pursuance of the provisions of this Act or the Statutes, the Ordinances, the Regulations or the rules made thereunder;

(v) for the payment of any other expenses including service fee payable to any organization charged with the responsibility of providing any specific service, including the managerial services to the University, on behalf of the sponsoring body, as approved by the Board of Management to be an expense for the purposes of the University:

Provided that no expenditure shall be incurred by the University in excess of the limits for total recurring expenditure and total non-recurring expenditure for the year, as may be fixed by the Board of Management, without prior approval of the Board of Management.

CHAPTER VIII
ACCOUNTS, AUDIT AND ANNUAL REPORT

Annual Report.

41. The Annual Report shall be prepared by the University which shall include among other matters, the steps taken by the University towards the fulfillment of its objectives and shall be submitted to the Government.

Annual Accounts and Audit.

42. (1) The Annual Accounts including balance sheet of the University shall be prepared by the University and the annual accounts shall be audited at least once in every year by the auditors appointed by the University for this purpose.

(2) A copy of the Annual Financial Statements together with the Audit Report shall be submitted to the Government by the end of the month of November every year.

CHAPTER IX
WINDING UP OF UNIVERSITY

Management of University on dissolution of Sponsoring

43. (1) If the Sponsoring body proposes to dissolve itself according to the provisions of law governing its constitution, it shall give at least six months prior notice to the Government.

(2) The Government shall, on receipt of such notice make such arrangements as may be necessary, for the administration of the University from the date of dissolution of the Sponsoring body till the completion of syllabus by the last batch of students admitted to the University.

(3) The Government may also decide to continue the functioning of the University by appointing an administrator in place of Sponsoring body, who shall be entrusted with the powers and functions as may be prescribed or where the Government decides to vest the powers of the Governing Body in the prescribed manner to other societies having similar objects.

(4) The Government on dissolution of the Sponsoring body after due consideration, may dissolve the University in such manner as may be prescribed.

Dissolution of University.

44. (1) The Sponsoring body which intends to dissolve the University shall give a notice to that effect in the prescribed manner to the Government. The Government, after due consideration, may dissolve the University in such manner as may be prescribed:

Provided that the dissolution of the University shall have effect only after the last batches of students of the regular courses have completed their courses and they have been awarded degrees, diplomas or awards as the case may be.

(2) On dissolution, the land assigned by the Government to the University shall be resumed.

Special Powers of State Government in certain

45. (1) Where the Government is of the opinion that the University has contravened any of the provisions of this Act, the Statutes or the Ordinances or the Regulations or the rules made thereunder or has violated any of the directions issued by it under this Act or a situation of Financial mismanagement or maladministration has arisen in the University, it shall issue notice requiring the University to show cause within forty-five days as to why an administrator be not appointed.

(2) On receipt of reply of the University on the notice issued under sub-section (1), if the Government is satisfied that there is a prima facie case of contravention of any of the provisions of this Act or the Statutes, the Ordinances, the Regulations or the rules made thereunder or violation of directions issued by it under this Act or there is financial mismanagement or maladministration, it shall make an order of such inquiry as it may consider necessary.

(3) The Government shall, for the purposes of any such inquiry under sub-section (2), appoint an inquiry officer or officers to inquire into any of the allegations and to make report thereon.

Central Act No.5 of 1908.

(4) The inquiry officer or officers appointed under sub-section (3) shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit in respect of the following matters namely,-

(d) summoning and enforcing the attendance of any person and examining him on oath;

(e) requiring the discovery and production of any such documents or any other material as may be predicable in evidence; and

(f) requisitioning any public record from any court or office.

(5) On receipt of the inquiry report from the officer or officers appointed under sub-section(3), if the Government is satisfied that the University has contravened all or any of the provisions of this Act or the Statutes, the Ordinances, the Regulations or the rules made thereunder or has violated any of the directions issued by it under this Act or a situation of financial mismanagement and maladministration has arisen in the University which threatens the academic standards of the University, it may appoint an administrator.

(6) The administrator appointed under sub-section (5) shall exercise all the powers and perform all the duties of the Governing Body and the Board of Management under this Act and shall administer the affairs of the University until the last batch of the students of the regular courses have completed their courses and they have been awarded with degrees, diplomas or awards as the case may be.

(7) After having been awarded the degrees, diplomas or awards as the case may be, to the last batches of the students of the regular courses, the administrator shall make a report to that effect to the Government.

(8) On receipt of the report under sub-section(7), the Government after due consideration, may decide to continue the functioning of the University by vesting the powers of the Governing body in the prescribed manner to other societies having similar objects or the government may decide to dissolve the University in such manner as may be prescribed.

CHAPTER X
MISCELLANEOUS

Powers of Government to make rules.

46.(1) The Government may, by notification, make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters namely,-

(a) The manner of making proposal and Project Report to establish University and the fees payable under section 6;

(b) Other particulars of the Project Report under section 7;

(c) Terms and conditions under sub-section (2) of Section 10;

(d) Other matters relating to Statutes and Ordinances under sub-section (1) of sections 27, 28 and 29;

(e) Matters relating to dissolution of the Sponsoring body under section 43;

(f) Matters relating to dissolution of the University under section 44 and section 45.

(3) Every rule made under this Act shall, immediately after it is made, be laid, before each House of the State Legislature, if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before the expiration of the Session in which it is so laid or the Session immediately following the Legislature of the State agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power to remove difficulties.

47. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Andhra Pradesh Gazette, make provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of three years from the date of commencement of this Act.

(2)Every order made under this section shall, as soon as may be after it is made, be laid before the State Legislature.

SCHEDULE-I

(See section 3)

Sl. No.	**Name and location (address) of the Private University**	**Name & address of the Sponsoring body**	**Details of registration of the Sponsoring body**
1.			
2.			
3.			
4.			

SCHEDULE-II

(See section 10(2))

1. **Endowment Fund**

The Sponsoring body shall establish an Endowment Fund with a minimum amount of Rs.5.00 crore. The Government shall have the power to direct any upward revision of the Endowment Fund from time to time.

2. Land requirements

The Sponsoring body shall procure a minimum of 30 acres of land within municipal limits and 40 acres in other areas, if not already available.

3. Space requirements

The Sponsoring body shall construct buildings such as Administrative, Academic and other buildings such as student activity center, auditorium etc. with a minimum plinth area of 10,000 sqm.

4. Books and Journals

The Sponsoring body shall purchase books and journals, including e-books and e-journals, worth at least Rs.30 lakh for the library.

5. Equipment and Infrastructure

The Sponsoring body shall invest a sum of about Rs 2.00 crore on purchase of equipment (including laboratory equipment), furniture and construction of infrastructural facilities and utilities (other than buildings).

6.Academic Departments and Faculty

The Sponsoring body shall start at least five post graduate academic departments. Every department shall have a minimum of six permanent faculty members (1 Professor, 2 Associate Professors and 3 Assistant Professors) having prescribed qualifications, together with the necessary supporting technical and ministerial staff as prescribed by the respective Statutory Bodies.

7.IT Infrastructure

The Sponsoring Body must provide good IT infrastructure including broadband for internet facilities by investing a sum of at least Rs.1.00 crore.

8. The sponsoring body shall furnish an undertaking to provide the following within the first five years:

(a) to create an additional carpet area of at least 10,000 sqm for academic and administrative purposes.

(b) to provide on campus residential accommodation to at least 25% of students and 20% of faculty.

(c) to invest a sum of at least Rs. 50 lakhs on purchase of books and journals including e-books and e-journals.

(d) to invest a sum of at least Rs.5.00 crore on equipment, furniture, other movable

and immovable assets and infrastructure facilities (other than buildings).

(e) to invest a sum of at least Rs.1.00 crore on expanding IT infrastructure including broadband for internet.

(f) to provide Research funding to the tune of at least Rs. 3.00 crore.

STATEMENT OF OBJECTS AND REASONS

The "Andhra Pradesh Private Universities (Establishment and Regulation) Bill, 2015" is unique in nature and aims at creating world class centers of learning with a core objective to establish universities to achieve the goals of quality higher education and to bestow attention to research of global standards. The main objectives of these Universities are;

(5) create and disseminate knowledge across a broad range of disciplines.

(6) Engage students in the process of discovery of critical thinking, inculcate in them the habit of lifelong learning.

(7) Focus on original research, innovation and entrepreneurship.

(8) Allow for diversity of regional and educational backgrounds and fields of enquiry in order to promote productive intellectual engagement.

Ultimate intention is to develop Andhra Pradesh as a "Knowledge Hub" which would provide high quality, research oriented and industrial relevant education.

A number of private Universities have already been established, in various States, by private persons without financial assistance from the Government. In this era of liberalization and global education, it is germane to attract, encourage and prompt the private sector to participate in the higher education sector. It has, therefore, become necessary to lay the legislative pathway to establish self-financing Universities and which at the same time provides for an effective regulatory mechanism for maintenance of standards in these Universities.

The Bill seeks to achieve the above objects.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 1, 2, 3, 5, 6, 7, 10, 33, 37, 38, 43, 44, 46 and 47 of the Bill authorizes the Government to issue notifications and make rules in respect of the matters specified therein and generally to carryout the purposes of the Act. All such notifications issued or rules so made, which are intended to cover matters mostly of procedural in nature are to be laid on the table of the both Houses of the State Legislature and will be subject to any modifications made by the Legislature.

The above provision of the Bill regarding delegated legislation are thus of normal type and mainly intended to cover matters of procedure.

MEMORANDUM UNDER RULE 95 OF THE RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN THE ANDHRA PRADESH LEGISLATIVE ASSEMBLY

The Andhra Pradesh Private Universities (Establishment and Regulation) Bill, 2015, after it is passed by the Legislature of the State may be submitted to the Governor for his assent under article 200 of the Constitution of India.